Murder of Charles Wapato

By John V. Peters

2023

From the Inquest

On Saturday, August 12, 1906, between 8 and 9 pm, Charles Wapato was killed by the combined actions of his half-brother Peter Wapato and Peter's two oldest sons John Baptiste and Louie.

Charles was returning from Chelan where he had sold a wagon-load of hay grown on his homestead. John Baptiste rode up on a horse and engaged Charles in physical blows. Then Peter arrived and "knocked Charlie down and pounded him into insensibility," having stomped his face with his boot until it was not recognizably human, according to the doctor's examination report. John Baptiste and Peter were chased off by neighbors Joe

Miska and his wife and by John Abraham. Joe Mishka and John Abraham loaded Charlie's body into the back of the Charlie's wagon and John Abraham began driving it toward Charlie's home. A mile further along Peter's son Louie rode up carrying a 30-caliber rifle. Louie fired at point blank range into the prostrate body of Charlie, killing him instantly, according to the doctor's examination report.

"These are the facts substantially as testified to at the inquest by Joe Mishka…and by John Abraham." "It is not unlikely that Louie will not be held alone responsible for the killing."

Chelan Leader, Friday, August 17, 1906

About the Author

John V. Peters was born in Wenatchee in 1943 and grew up in Manson. He has a bachelor's degree in economics from Grove City College, PA and has taken some master's degree classes in history from Seattle University. He spent two years in the Army (8th Special Forces Group, Ft. Gulick, Panama), worked two years for Old National Bank in Pasco and Kennewick, WA, six years in the budget office of the Seattle School District and 20 years in the finance department of the Boeing Company in Seattle. Since returning to Manson, he has done extensive research into the Wapato Indians and the Moses allotments.

TABLE OF CONTENTS

- Cover page
- From the Inquest
- About the author
- Essay on the murder including,
- the report of the testimony at the inquest
- pressure from outside developers on the Wapato allotment Indians to sell their land
- a phony lawsuit by Peter Wapato against Charlie
- the first-degree murder charge against Louie Wapato
- the Wenatchee newspaper reports about the events and the apparent adverse effect these false and contradictory newspaper reports had on the jury members
- the court records of the murder trial and sentencing
- the aftermath in the small circle of the Wapato Indians.

The Murder of Charles Wapato: Background and Analysis

By John V. Peters

Fratricide on the North Shore

And Cain talked with Abel his brother: and it came to pass, when they were in the field, that Cain rose up against Abel his brother, and slew him.

And the Lord said unto Cain, Where is Abel thy brother? And he said, I know not: Am I my brother's keeper?

And he said, What hast thou done? the voice of thy brother's blood crieth unto me from the ground.

Genesis 4:8-10, King James Version (London and New York: Collins' Clear-Type Press, 1949).

Introduction

The most prominent motive given in the newspapers for the murder of Charles Wapato was a land dispute. The Chelan Leader of August 17, 1906, wrote "A family quarrel of long standing over the ownership of a certain piece of land was indirectly responsible for the mixup which ended fatally." In order to assess this theory of the crime we need to understand Peter and Charles' relations to the land they occupied and the

general land conditions on the north shore of Lake Chelan leading up to the time of the murder.

I will focus on the land issues leading up to the murder and then I will address the purported role of alcohol and some other theories of the crime introduced in the Wenatchee newspapers before and during the trial of Louie Wapato for first degree murder. We will find the facts presented by witnesses at the August 13, 1906 inquest into Charlie's death on August 11, 1906 are quite simple and straightforward and were undisputed by the perpetrators (Peter, John Baptiste and Louie Wapato) at the inquest. The defense team at Louie's murder trial presented no theory of the crime themselves. The defense consisted of cross-examination of prosecution witnesses and testimony of character witnesses for Louie arguing that he had been a good lad and a good student in school. The eye-witness accounts of the three witnesses to the crime, first presented at the inquest into Charlie's death, seem to provide the only factual testimony presented in court. Newspaper accounts don't indicate that the cross-examination of these witnesses affected their testimony, but newspaper stories giving different, unattributed "facts" not presented in court must have affected the deliberations of the jury and the verdict in the case.

<u>Background To Land Issues on the North Shore of Lake Chelan</u>

Originally, the central Washington Indians roamed the land widely to hunt, gather berries and root vegetables, fish, obtain reeds to weave into mats and baskets and for all their living needs. They used the land and had permanent and temporary camps in a vaguely defined area. They cooperated with other area tribes when traveling outside their own permanent territory. There was a general tribal occupation of areas of land but no notion of ownership of land in the European sense. The Indian way of life kept their numbers in check and spaced out the Indian tribes over wide areas.

With the European invasion into America, a clash of concepts arose. Europeans were used to far denser settlement practices and to the ownership of land by governments, companies and individuals. These two ways of living could coexist as long as the number of European settlers was small and relatively unobtrusive. But as the numbers of Europeans grew, conflicts between the two civilizations were inevitable. The United States national government had long since settled on a policy of moving Indians onto reservations, large defined areas of land with clear boundaries, to confine Indians and leave them more or less to their way of life in those areas. This then allowed the government to map out the rest of the landscape, divide it up into pieces that could be homesteaded, bought and sold by individuals, businesses and governments and used for private and public purposes in the European manner.

In the central area of Washington Territory the reservation system came relatively late, with the Yakima (spelling changed to Yakama in 1994) reservation set up in 1855, the Colville Consolidated Reservation in 1872, the Columbia reservation in 1879, and the Spokane reservation in 1881.

The Columbia Reservation and the Moses Allotments

Pursuant to a memorandum of agreement signed by Chief Moses on April 8, 1879, President R. B. Hayes signed an Executive Mansion on April 19, 1879 establishing this reservation for Chief Moses, his people and other friendly Indians. No name was given to the reservation at this time. I estimate its size to have been about 1,500,000 acres. On March 6, 1880, another Executive Mansion signed by President R. B. Hayes expanded the size of the reservation south to the outlet of Lake Chelan, west along the north shore of Lake Chelan, along Stehekin Creek to the forty-fourth degree of longitude and north to the Canadian border at latitude 49. This increased the size of the still unnamed reservation to about 2,992,000 acres, according to the Interior Department. Then on February 23, 1883 President Chester A. Arthur, yielding to miners' and white settlers' demands, signed an Executive Mansion removing the top 15 miles of the reservation, or about 749,000 acres, again using Interior Department numbers. This

shrunk the reservation to about 2,243,000 acres and by this time it was called the Columbia reservation.

During the year 1883 the federal government desired to return the remaining Columbia reservation to the public domain. Chief Moses had not moved onto the Columbia reservation as he promised to do in the 1879 memorandum of agreement. And there was continuing and growing pressure to open the land to non-Indian settlers. Chief Moses and three other northwest Chiefs (Sarsarpkin, Tonasket and Lot) were invited to Washington D.C. to negotiate the issue. The Chiefs agreed to give up all claim to the Columbia reservation in exchange for land allotments and a number of other considerations. Chief Moses gave his name to these allotments, each up to one square mile or 640 acres in size. The results of the negotiations became known as the Moses agreement, the allotments became the Moses allotments with numbers MA-1 and forward, and the people who took allotments under this agreement became known as the Chief Moses Band.

In 1879 Wapato John and several other Indian families not living on reservations were encouraged, if not ordered, to move to one of the reservations (Yakima, Colville or Columbia). Wapato John and the Indians associated with him and then living along the Columbia river at Maple creek, moved to the north shore of Lake Chelan, apparently in 1880. In 1883 the

Columbia reservation was ended and the land was returned to the public domain in 1886, except for 640-acre allotments taken by Indians currently residing on the reservation who wanted to remain in place.

Executive Order regarding Moses Reservation by President Grover Cleveland dated May 1, 1886.

It is hereby ordered that all that portion of country in Washington Territory withdrawn from sale and settlement, and set apart for the permanent use and occupation of Chief Moses and his people and such other friendly Indians as might elect to settle thereon with his consent and that of the Secretary of the Interior, by the Executive orders dated April 19, 1879, and March 6, 1880, respectively, and not restored to the public domain by the executive order dated February 23, 1883, be, and the same is hereby, restored to the public domain, subject to the limitations as to disposition imposed by the act of Congress approved July 4, 1884 (23 Stats., pp. 79-80), ratifying and confirming the agreement entered into July 7, 1883, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville Reservations in Washington Territory.

And it is hereby further ordered that the tracts of land in Washington Territory surveyed for and allotted to Sar-sarp-kin and other Indians in accordance with the provisions of said act

of July 4, 1884, which allotments were approved by the Acting Secretary of the Interior April 12, 1886, be, and the same are hereby, set apart for the exclusive use and occupation of said Indians, the field-notes of the survey of said allotments being as follows:

[MA-1 through MA-9 allotments omitted.]

(Allotment No. 10, in favor of Que-til-qua-soon, or Peter)

This claim is bounded on the east by Wa-pa-to John's claim, and on the south and west by Lake Chelan. The field-notes of north boundary are as follows: From northwest corner of Wa-pa-to John's claim, which is a stone monument, run west (var. 22 degrees east) 113.00 chains, shore of Lake Chelan. Blazed pine tree at the point 20 inches diameter on four sides for northwest corner of claim. This claim contains about 540 acres.

[MA-11 through MA-37 omitted.]

Above is the description of the allotment of land assigned to Peter Wapato, Wapato John's third son. Peter's allotment incorporated all of Wapato Point and what is now downtown Manson. There were ten allotments assigned on the north shore of Lake Chelan. The north shore allottees were Wapato John (MA-8); Louis Ustah (MA-9), the husband of Wapato John's older daughter Mary; Peter Wapato (MA-10), the third son of Wapato John; John Abraham (MA-11), the husband of

Wapato John's younger daughter Mary Ann; Sylvester Wapato (MA-12), Wapato John's second son; Cecile (MA-13), sister of John Abraham and daughter of Yokesil (Lucille); Pedoi (MA-14), brother of John Abraham and son of Yokesil; Yokesil (MA-15), mother of Pedoi, John Abraham, and Cecile; Lakayuse (MA-16), father of Louis Ustah; and Makai (MA-17), brother of Louis Ustah and son of Lakayuse.

Doc Jim's Homestead

Wapato John's oldest son, Charles, lived on a homestead in the Mission area (now Cashmere) with his wife Matilda until they moved to the north shore in 1890 to care for her aging father, Doc Jim. Charles and Matilda lived on and worked the 168.4 acre Doc Jim ranch at the upper end of Wapato lake (then called Alkalai lake). Doc Jim died in 1893. Charles and Matilda continued to live on and operate the Doc Jim homestead after Doc Jim's death. At the time of Charles' death in 1906, the Chelan Leader wrote that Doc Jim had left his ranch to his daughter Matilda, his cattle to his daughter Hyacinth or Yacine, and his horses to his son Moses George who lived on the coast.

In 1896, a young woman filed a homestead claim on the Doc Jim ranch, apparently on the grounds that Doc Jim had died and that it was an abandoned homestead. The Chelan Leader newspaper gives us the account of what happened.

Chelan Leader, March 27, 1896

It having been ascertained that Charlie Wapato probably had no legal right to hold his ranch situated up beyond the allotments, and it being within one of the new townships thrown open to filing March 19th, Miss Claghorn of Wells coulee filed on the same and will claim it as a homestead. It is understood Charlie will contest the filing. The ranch in question is said to be one of the most valuable in the lake country, and has a fine orchard and lots of small fruit in bearing.

Miss Agnes Claghorn was 29 years old at this time. She was the daughter of pioneer Josiah V. Claghorn. "The Josiah V. Claghorn family were early residents of Navarre Coulee. The family arrived in March 1895 and settled in the Johnson Creek area. Final proof of Josiah's homestead was in February of 1902 for the E ½ NW ¼ & N ½ SW ¼ of Section 21-27-21." These last three numbers mean Section 21 of Township 27, Range 21 East of the Willamette Meridian. These two pieces of Section 21 consisted of 160 acres and were in the shape of a reversed letter L, running down and then to the west. "Among other settlers in the coulee at that time were Mephi. C. Wells and his son, William; F. M. Claghorn, son of Josiah; C. A. Cornforth; and Will White." "Several years later [that is, after 1895], some of the coulee settlers changed the name of the coulee from Navarre to Wells Coulee after Mr. Wells. It did not last long…." The 1910 Census shows Agnes, her husband Asle Erickson and their daughter Genevieve living in Entiat. The 1920 Census

shows Agnes, her husband Asle Erickson, their daughter Genevieve, and her 87 year old widowed father, J. L. Claghorn, were then living together in Chelan, Washington. Once Agnes Claghorn's claim to the Doc Jim ranch was challenged by Matilda Wapato, Agnes dropped her claim and the Land Register in Waterville, W. R. Starr, confirmed Matilda's claim to the homestead.

Chelan Leader, April 10, 1896

From the Waterville Index

Wapato Charley's wife, one of the heirs of her father, made an entry on a piece of land that was claimed by Agnes Claghorn and the Indian gave an affidavit that there was over $2,000 worth of improvements on the place. The Indian's claim was allowed.

Chelan Leader, April 30, 1897

Notice for Publication

Land Office at Waterville, Wash.,

April 22, 1897

Notice is hereby given that the following-named settler has filed notice of her intention to make final proof in support of her claim, and that said proof will be made before United States Land Office at Waterville, Wash., on June 8, 1897, viz:

MATILDA WAPATO, one of the heirs of Quatass or Doctor Jim (an Indian), who made H'd application No. 1085 for the nw ¼ sw ¼ lot 1, section 14; ne ¼ se ¼ lots 4 and 5, section 15, twp 28N., R. 21, E.W.M.

She names the following witnesses to prove the continuous residence upon, and cultivation of, said land, viz:

Martin Venneberg, Jay D. Berrier, John Walsh, Wm. Gibson, all of Chelan, Wash.

R. W. Starr, Register

First publication, April 30, 1897.

Last publication, June 4, 1897.

With this, the 168.4 acre homestead formerly in the name of Doc Jim was now in the name of Matilda Wapato.

In 1902, possibly on the advice of legal counsel, Matilda requested that her sister Hyacinth, who was married to Peter Wapato, sign a quit claim deed to the Doc Jim property. Hyacinth apparently had no reservations about doing this, since she went before a notary public along with Matilda and signed the following document on August 23, 1902. The quit claim deed uses Hyacinth's alternate name of Yacine on the document along with the last name Peter, acknowledging her marriage to Peter Wapato. Yacine signed with an X next to her name in the presence of two people and received a

consideration of a one dollar gold coin, according to the document. Then the document was certified by the notary public and later filed with the Chelan County Auditor. This ended any question of legal claim to some or all of the Doc Jim ranch by Yacine.

Quit Claim Deed No. 6385

Yacine Peter

To

Matilda Wapato

This indenture, made this 23rd day of Aug. in the year of our Lord one thousand nine hundred and two between Yacine Peter a married woman the part of the first part, and Matilda Wapato the part of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One ($1.00) Dollars gold coin of the United States of America, to her in hand paid by the said party of the second part, the receipt thereof is hereby acknowledged, do by these presents remise, release and forever quit claim unto the said party of the second part, and to her heirs and assigns the following described tract, lot or parcel of land situate, lying and being in the County of Chelan, State of Washington, particularly bounded and described as follows, towit: The N.W.4 of the S.W.4 and lot No. one of section 14 and

the N.E.4 of the S.E.4 and lots numbered 4 & 5 of section 15 Twp.28 N. of range 21 E.W.M. containing 168 acres and 40/100 of an acre (168.40). Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to their heirs and assigns forever.

In witness whereof, the said party of the first part has herunto set her hand and seal the day and year first above written.

Signed, sealed and delivered Yacine X(her mark)
Peter.

in presence of

Barnett Stillwell.

H.E. Griggs.

Certification.

State of Washington,

County of Chelan.

This is to certify, that on this 23rd day of Aug. A.D. 1902, before me, the undersigned, a notary public in and for the state of Washington, duly commissioned and sworn, personally came Yacine Peter, a married woman to be known to be the individual described in and who executed the within instrument and acknowledged to me that she signed and sealed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal, the day and year in this certificate first above written.

Barnett Stillwell.

(seal) Notary public in and for the state of Washington, residing at Chelan.

Filed for record at request of John Walsh, August 17th, 1903, at 8:04 A. M.

C. J. Trow, County Auditor.

Proposed Legislation on the Moses Allotments

On December 23, 1904, the Chelan Leader published a lengthy report potentially affecting the Moses allotments held by the north shore Indians, including Peter Wapato's allotment. The Moses allotments, originally consisted of 40 allotments stretching from Lake Chelan all the way north to the Canadian border. We will see that this and later laws affecting their

status are driven by a big irrigation project being planned for the north shore of Lake Chelan. I'm not aware of any other driving force to alter the original terms of the Moses allotments. All Moses allottees were simply swept along by the tide of this Lake Chelan irrigation project. By law, the Moses allotments were "set apart for the exclusive use and occupation of said Indians," much like reservations except that each allotment was assigned to an individual Indian. The irrigation interests thought this was a legally ambiguous status, one which seemed to place the ownership of the land in U. S. government hands. The irrigation interests wanted to buy the land directly from the Indians, but the Indians didn't seem to have legal titles to their allotments. It undoubtedly seemed more advantageous to bargain directly with individual Indian owners, who had limited knowledge of Western law and mores, than with the government itself. No doubt this explains the origins of the following Bill introduced in Congress in late 1904.

Chelan Leader, December 23, 1904

Patents in Fee to Indian Allottees

Following is the text of the bill introduced in Congress December 5th, by Congressman W. L. Jones, relative to the issue of patents to Indian allottees, under the treaty approved July 4, 1884, and commonly known as "the Moses agreement:"

A BILL

Providing for the issue of patents for land allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and directed to issue patents in fee to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified and confirmed by Act of Congress approved July fourth, eighteen hundred and eighty-four. (Twenty-third Statutes, pages seventy-none and eighty), and the said Act shall be taken and construed as a present grant of the lands that have been allotted to the said Indians; and in case of the decease of any of the said Indian allottees, the said patents shall issue in the names of such deceased Indian allottees, and the title to the lands designated in such patents shall issue to and become vested in the heirs , devisees or assignees of such deceased Indian allottees; as if the patent had issued to the Indian allottee during life.

The object of the bill introduced by Congressman Jones in regard to Indian allotments under the Moses agreement is to give the Indians the rights they are entitled to under the agreement or treaty.

The treaty provided, after taking care of Moses, Lot and others, that:

"All other Indians now residing on the Columbia reservation shall be entitled to 640 acres, or one square mile, of land, to each male adult or head of family, in the possession and ownership of which they shall be guaranteed and protected."

Congress in ratifying and confirming the agreement inserted the following proviso:

"That in case said Indians so elect to remain on said Columbia reservation the Secretary of the Interior shall cause the quantity of land therein stipulated to be allowed them to be selected in as compact form as possible, the same when so selected to be held for the exclusive use and occupation of said Indians and the remainder of said reservation be thereupon restored to the public domain, and shall be disposed of to actual settlers, etc."

The Secretary of the Interior in a late decision (32 L. D., 568) holds that Congress by that act amended and changed the treaty so that instead of the Indians getting the "possession and

ownership" of the land set apart to them they received barely the "use and occupation."

Hon. Thomas H. Brents, of Walla Walla, was the delegate in Congress from Washington Territory at the time the ratifying act was passed and he says that there was no intention on the part of Congress to change the treaty.

Many of the Indians have made valuable improvements and they should not be deprived of the results of their labors. It is but right that they should have the right to transmit this property to their descendents or to dispose of it in any manner that they may see fit.

It has been generally understood in this community that at the end of twenty-five years the Indians who had taken allotments under the Moses treaty would be able to make proof and obtain title. The law regarding the twenty-five year clause as to alienation has no reference whatever to the lands allotted under the Moses treaty. Under the ruling of the department the allottee could never get title to his land and it would always remain an individual reservation. Hence the bill.

This bill was probably encouraged, if not written, by developers and may have been opposed by the Interior Department for that reason, feeling that the allottees could suffer if given fee simple titles. The Department tended to view most Indians as not fully competent to determine their own interests and make

their own decisions in the context of the invading Western laws and mores. Many of the allottees still at this time knew little English and even less about legal documents. And there was by this time plenty of evidence of white chicanery to obtain Indian lands by trickery, deception and fraud. Whatever the forces at work, this bill was unsuccessful and was not passed and signed into law. However, the tide of developers eying the north shore Indian lands was only advancing. In addition, the talk about a "twenty-five year clause as to the alienation" comes from the 1887 General Allotment or Dawes Act and had nothing to do with the Moses allotments which date from congressional action of July 4, 1884.

Developers Laying Plans for the North Shore Lands

On April 13, 1905, the Chelan Leader published the following long story illustrating developers' plans for the north shore area.

Big Irrigation Project.

There is a large area of land, lying along the north shores of Lake Chelan for about twenty miles from town, that is fairly productive as it is, but would be benefitted many fold by being irrigated. There is a very perceptible difference between these lands and the bench lands farther back and higher, which do not need irrigation. It is estimated that about 2,500 acres could be irrigated and made immensely valuable.

Mr. R. H. Lord has had a project on hand for the past year and a half to irrigate this territory. It is proposed to take the water from Mitchell creek, and Long Hair and Chas. Wapato lakes. The length of the main canal would be about 23 miles, besides about seven miles of laterals. A large part of the distance has had a preliminary survey and The Leader is informed that Mr. Lord has succeeded in interesting with him in the project gentlemen representing ample capital to complete the ditch and put on the water; and that as soon as the contracts are all signed up, the survey will be completed and dirt will fly on the ditch, which would employ probably 100 men and teams for some time, and cause to be expended a large sum of money in the community, to say nothing of the immediate availability of hundreds of small farms, the increased productiveness of the soil and the great increase in population consequent upon such an improvement.

It is understood from Mr. Lord that four-fifths of the acreage under the proposed ditch has been either contracted or promised already, and that the requirements of the water contract are similar to those used at Wenatchee and in other prosperous irrigation districts.

There is no question of the feasibility of the proposition, nor of the greatly enhanced land values. Such irrigation movements are making dozens of communities prosperous in Eastern

Washington, and not only will it benefit those who make the contracts to take water, but it will make more valuable the holdings of every property owner—in town and country—in the community. The matter should be taken hold of at once, as the work should be started at an early date, and it is hoped those who have been hesitating will see it to their big interest to fall in with their neighbors on so important a deal and "sign up" at once.

There is no question on the part of The Leader as to the good faith of the parties behind the movement. Neither is there any question as to the importance of every citizen giving the project all the moral and financial support possible. Its first and most visible benefit would be that, as soon as the contracts are all signed up it would employ at remunerative wages all the local labor that has been idle during the winter and crying hard times, and would create a pay roll that would help everyone. When completed, there are several hundred acres of land lying between here and Chelan Landing that would be covered, and would be split into five, ten and twenty-acre tracts, each capable of supporting a happy and prosperous family. That alone would mean something to the community. And it is no dream. Furthermore, it's only one of the many benefits that would result from such an irrigation project.

As soon as the contracts are signed, a company will be organized, probably to be known as The Chelan Irrigation Company. Our advice to every one is to do everything you can to push it along. It is one of those DISTINCTLY GOOD THINGS a community simply cannot afford to let get away.

Any such project was likely to have a major impact on the ten Moses allotment Indians and their families on the north shore, including Peter Wapato. No doubt the Bill in Congress quoted earlier was being pushed by the irrigation interests who wanted to facilitate the purchasing of those allotments; it was felt necessary to give the Moses allotment Indians title to their allotments and free them from any Interior Department restrictions on the sale of their land. And the proposal to use Charles Wapato lake as a reservoir for the project would likely impact the Matilda and Charles Wapato homestead located on the north edge of that lake. R. H. Lord and some engineers had been prowling around the area for a year or more evaluating the irrigation/land sales project for technical feasibility. All of this would have been the subject of much gossip throughout the community, including among Indians who did not read or speak English fluently. There can be little doubt that everyone understood the enormous potential consequences of this irrigation project. From later evidence we know that Peter Wapato had a visceral objection to selling even a tiny bit of his allotment. None of the other Moses allottees showed this

overwhelming negativism toward the plans of the irrigation project. We will see that only Peter, Cecile and the blind and dependent 90-year old Wapato John dug in their heels and refused to cooperate with the irrigation and development interests.

Next we will see what legislation the irrigation interests were able to get signed into law.

On March 8, 1906, Congress passed and the president signed the following law:

Mar. 8, 1906. [H. R. 10697.] | [Public, No. 37.] 34 Stat., 55.

An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses

agreement, accepted, ratified, and confirmed by the act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), which patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as herein-after provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.[1]

---

[1] U. S. v. Moore, 161 Fed., 513; Starr v. Long Jim, 227 U. S., 613; 40 L. D., 212.

On March 8, 1906, Congress (34 Stat., 55) ordered that trust patents be issued to the Moses allottees. These patents were not fee simple. They were restricted patents. And they were

restricted in two ways. First, the allottees could sell all but 80 acres of their allotments. Second, all sales of allotment land would require the approval of the Secretary of the Interior. These two restrictions were to apply for ten years, and were to expire on March 8, 1916. At that time allottees, or their heirs, were to be issued fee patents and would be free to sell or otherwise encumber their land on their own and without approval by the Secretary of the Interior. The land would then be fee simple allotments, part of the general public domain and subject to all public laws, including taxation.

The March 8, 1906 law gave the irrigation interests most of what they wanted, which was a way to purchase the Indian allotments on the north shore. And the law gave some protections to the Moses allottees in that at least 80 acres of each allotment must be preserved at least for ten years, until March 8, 1916. In addition, the Interior Department would have approval authority over any sale agreements, hopefully insuring that the Indians received fair compensation for their land.

The Articles of Incorporation for the Wapato Irrigation Company were filed on April 21, 1906, hard on the heels of the March 8, 1906, signing of the above law, with a capital stock of $60,000. The development interests were getting serious and

putting money behind their plans to buy up land and develop the north shore.

Matilda Serves Notice

The next time any issue about the Matilda Wapato ranch arises is on April 20, 1906, not long after the March 8, 1906 law affecting Peter's allotment. Matilda prints a notice to her sister Hyacinth (or Yacine) in the Chelan Leader of April 20.

Chelan Leader, April 20, 1906

Notice

For the past 13 years the undersigned has not collected rent from Mrs. Peter Wapato for the use of orchard, but gives notice that this year, and every year hereafter, she is expected to pay $5.00 a year. Dated this 14th day of April, 1906. Matilda Wapato.

This notice was repeated in the April 27 issue of the newspaper. Probably, the notice was published after obtaining legal advice. The reference to thirteen years ago would have been in 1893. From this we can infer that Quatas, or Doc Jim, who originally homesteaded the property, died in 1893.

Rather than accepting the assessment of a nominal $5.00 per year rent (about $160 in 2023 terms, using a 3% annual inflation rate), Mrs. Peter Wapato (or perhaps Peter Wapato using her name) responded with the following:

Chelan Leader, May 4, 1906

To the Public

The Leader of the 27th inst. had a little notice about my renting an orchard for thirteen years or so, but I have owned the said land 19 years. The orchard was planted 18 years ago. The land was given to me by my father, now deceased. Matilda Wapato sold her homestead and cannot take another one according to the laws of the United States. Mrs. Peter Wapato.

This implies that Doc Jim came to the north shore 19 years before, or in 1887. The orchard Hyacinth planted in 1888 was probably quite small, as the early Indian fruit orchards are described to be. Doc Jim never transferred title of this plot of land to Hyacinth, nor does she contend that he did. It was just a favor he did for his daughter, probably because Joe creek ran through the Doc Jim homestead and provided water for irrigation, a very valuable commodity at that time.

The "Mrs. Peter Wapato" response was probably written by Peter's 24 year old son John Bapiste or perhaps by his next oldest son, 18 year-old son Louie. It does not reflect the measured and precise language of Matilda's notice. It was probably not written in consultation with an attorney because the last line of the response says something that any lawyer at the time would know was false. None of the various homestead acts of the United States asserts that someone can

only have one homestead in their lifetime. Where they do place restrictions are on the acreage that a homesteader may claim and residence or improvement requirements or payments in lieu of residence needed to establish one's claim. And a husband and wife may have separate claims, each of the maximum acreage allowed for one person. For example, a husband may claim 160 acres and his wife may claim an additional 160 acres, perhaps situated adjacent to one another, to have a total combined claim of 320 acres. And, in the case of Charles and Matilda Wapato, in all likelihood any homestead claim at Mission was probably in the name of Charles Wapato. The north shore homestead is in the name of Matilda Wapato. So even if Charles hadn't sold his homestead in Mission when moving to Lake Chelan to care for his aging father-in-law, this still would not preclude Matilda from filing on her deceased father's homestead. We can't be certain what Doc Jim's intentions were for the disposition of his homestead, but logically he would have wanted to give the land to his daughter Matilda. After all, his daughter Hyacinth already lived on a 540 acre property on Lake Chelan with her husband, Peter. And from the 1902 quit claim deed signed by Hyacinth, it appears that Hyacinth agreed with this viewpoint. Later on we will see that Chelan Leader editor DeWitt C. Britt had a similar understanding of Doc Jim's wishes. In fact, Britt outlines a specific disposition of Doc Jim's land, cattle and horses among

his heirs, with Matilda receiving the land, Yacine receiving the cattle and a son George Moses receiving the horses.

Yacine and Peter File A Lawsuit

Either Yacine (Hyacinth) had changed her mind about the quit claim deed she had signed in 1902 or Peter changed her mind for her. In any case, they jointly filed a lawsuit on May 22, 1906, in the name of Yacine and Peter Wapato in Superior Court in Wenatchee, Washington, attempting to set aside the 1902 quit claim deed and demanding that one-third of Matilda's homestead be transferred to Yacine as one of three heirs of Doc Jim. Following is their complaint:

COMPLAINT

Yacine Wapato and Peter Wapato, her husband, Plaintiffs,

Vs.

Matilda Wapato and Charley Wapato, Defendants.

Come now the plaintiffs herein, and for cause of action against the defendants, allege as follows:

1. *That the plaintiff, Yacine Wapato and Peter Wapato, are husband and wife, and are Indians; and that the defendants well knew that they were ignorant and unable to speak or understand the English language, and unable to read written or printed documents.*

2. *That the defendants, Matilda Wapato and Charley Wapato, are husband and wife, and Indians.*
3. *That about the month of November, 1898, a patent was issued to the heirs of Jim Quastas, deceased, an Indian, for the following described property, towit:*
   The northwest quarter of the southwest quarter, and lot one in section 14, and the northeast quarter of the southeast quarter and lots four and five in section 15, all in township 28 north, of range 21, E.W.M.
4. *That at the time of the death of said Jim Quastas, deceased, he left the following heirs surviving him: George Moses, a son; Yacine Wapato, a daughter, one of the plaintiffs; and Matilda Wapato, a daughter, one of the defendants herein; that the above were the sole and only heirs at law of said Jim Quastas, deceased, and that they were the heirs who made final proof on the homestead of said Jim Quastas, deceased, and to whom patent was issued at aforesaid.*

Perhaps we should pause here and recall a few facts. I quoted from the Chelan Leader in 1896 that a Miss Agnes Claghorn filed on the Doc Jim homestead at Lake Chelan, presumably on the basis that Doc Jim was dead and his homestead may have been abandoned. Matilda Wapato quickly challenged Miss Claghorn's claim and filed her own

claim as an heir to Doc Jim and as having lived on the property since about 1890. Matilda's claim was allowed by the Land Register in Waterville and she made final proof on the property in 1897, as announced in the Chelan Leader.

Yacine provided no evidence in her lawsuit for her claim that she and her siblings, George and Matilda, jointly made final proof on the property (no such notice of final proof appeared in the Chelan Leader), nor that a patent was issued in 1898 to the three heirs of Doc Jim. Continuing with the complaint:

5. *That the plaintiffs have made valuable improvements on said described land, as follows: They have built a large amount of fencing, a house, and have put out quite a number of fruit trees, and have constructed irrigation ditches thereon.*
6. *That on or about the 23d day of August, 1902, the said defendants came to the plaintiff Yacine Wapito, and falsely and fraudulently represented to her that they desired to lease the above described premises, and that before they could do so it would be necessary for the plaintiff, Yacine Wapato, to sign a lease as one of the heirs of Jim Quastes, deceased; that at the same time, the said defendants*

produced a written paper and falsely and fraudulently represented to said plaintiff, Yacine Wapato, that the same was a lease for the above described premises, and the said plaintiff verily believing that the written paper was only a lease of the above described premises, signed the same by her mark as Yacine Peter; --a copy of which paper, the same being a deed, is hereto attached and marked "Exhibit A" and made a part of this complaint; said deed was acknowledged before Barnett Stillwell, a Notary Public residing at Chelan County, Washington.

7. *Plaintiff, Yacine Wapato, further gives the court to understand and to be informed, that said deed was not read to her, nor was it explained to her by a anyone; nor was the acknowledgement explained to her, and that she had no way of knowing that the same was a deed, as she had relied entirely upon the representations made to her by said defendants that said instrument was a lease; that she did not at that time, nor has she ever received any money whatsoever nor any consideration for her signing the said deed, but that she was induced to do so wholly by the fraudulent and false representations of said defendants.*
8. *That the plaintiff, Yacine Wapato, has never at any time signed or caused to be signed, or delivered or caused to be delivered any written instrument of whatsoever kind,*

nature or description, in anywise referring to, relating to or affecting the lands hereinabove described, other than the writing set out as "Exhibit A" hereto attached and made a part of this complaint; and that the plaintiff Peter Wapato has never signed any instrument whatsoever conveying his interest in and to said premises to the said defendants.

9. *Plaintiff Yacine Wapato further alleges the fact to be that her name is Yacine Wapato, and not "Yacine Peter" the name signed to said deed, but she further alleges that she made her mark as set out in the deed, fully believing the representations of defendants that it was a lease for the premises and not a complete conveyance.*

10. *Plaintiffs further allege that they have been totally ignorant of the fact that the plaintiff, Yacine Wapto, had signed a deed to the said property, until about the middle of April, 1906, when plaintiffs were informed by the defendants that they had no interest in said property, as they had executed a deed conveying their interest therein to the defendant Matilda Wapato; that the plaintiffs at once caused the records of the County Auditor's office of Chelan County, Washington, to be examined to ascertain the nature of the instrument which had been signed, and said plaintiffs discovered that the statement of defendants that Yacine Wapato had signed a deed were correct.*

11. That the said defendants refuse to reconvey to the plaintiffs their interest in said property, and to deliver up said deed for destruction and cancellation, but claim that they are the absolute owners of the entire property and that the plaintiffs have no interest therein.

12. Plaintiffs allege that the plaintiff Yacine Wapato, being one of the three heirs of Jim Quastas, deceased, and being one of the heirs of whom patent was issued, is entitled to an undivided one-third interest in and to said property.

13. That the plaintiffs have suffered damages in the amount of a reasonable rental value for said premises for a period of four years, which is one thousand ($1000) dollars, and they have also been put to the expense of employing counsel to set aside said deed, the attorney fees being three hundred ($300) dollars therefor.

WHEREFORE plaintiffs pray that the defendants and each of them be compelled to deliver up said deed set out as "Exhibit A" hereto attached and made a part hereof, for cancellation and destruction, and that the same be cancelled and set aside; that defendants be decreed to have acquired no right, title or interest in and to the land conveyed by said deed; that the cloud created by the recording of said deed be removed from the title to the real property described in said deed; that the plaintiffs have

judgment against the defendants and each of them in the sum of thirteen hundred ($1300) dollars, together with their costs and disbursements herein; that they have such other and further relief as law and equity demand.

Yacine Wapato and Peter Wapato, after each being first duly sworn on oath depose and say, that they are the plaintiffs named in the above entitled action; that the above complaint has been read to them, that they know the contents thereof and believe the same to be true.

Subscribed and sworn to before me this 22 day of May, 1906.
NOTORY PUBLIC: C.G. Ridout

The next thing that happened in the case is the filing of a demurrer by the defendants' attorneys. A demurrer, according to Law.Com, is "a written response to a complaint filed in a lawsuit which, in effect, pleads for dismissal on the point that even if the facts alleged in the complaint were true, there is no legal basis for a lawsuit. A hearing before a judge (on the law and motion calendar) will then be held to determine the validity of the demurrer." There is no date on the filing but it was probably filed in June, 1906. It reads as follows:

DEMURRER

Yacine Wapato and Peter Wapato, her husband, Plaintiffs,

Vs.

Matilda Wapato and Charley Wapato, Defendants.

Coming now the defendants, Matilda Wapato, and her husband Charley Wapato her husband and others to the complaint of the plaintiffs in this action filed and for the following causes, towit:

That the above entitled court has no jurisdiction of the subject matters of this action.

That the plaintiffs have no local capacity to sue.

That there is a defect of parties plaintiff.

That there is a defect of parties defendant.

That several causes of action have been improperly united.

That the complaint does not state facts sufficient to constitute a cause of action.

That the action has not been commenced within the time limited by law.

W. A. Reneau and John W. Hanna

Next, the plaintiffs' attorneys serve notice on the defendants for a hearing of the demurrer to be held on August 6, 1906, or as soon after as can be arranged.

NOTICE

Yacine Wapito and Peter Wapito, her husband, Plaintiffs,

Vs.

Matilda Wapito and Charlie Wapito, Defendants.

To Matilda Wapito and Charlie Wapito, defendants, and to W. A. Reneau and John W. Hanna, your attorneys:

You and each of you will hereby take notice that on Monday, the 6th day of August, 1906, at the hour of ten, a. m., of said day, at the court house in Wenatchee, Chelan County, Washington, or as soon thereafter as counsel can be heard, plaintiffs will call up for hearing the demurrer filed in said cause.

Attorneys for Plaintiffs: Crass & Corbin.

So a hearing on Matilda and Charles' motion of demurrer to dismiss the case was set for Monday, August 6, 1906, "or as soon thereafter as counsel can be heard."

The next event, separate from the lawsuit but related to the issues raised by it, occurs when the Indian agent residing on the Colville reservation, Capt. John McA. Webster, was called in by Peter or Charles or both to discuss the issues raised in Yacine and Peter's lawsuit. The newspaper report of their meetings in Chelan doesn't make clear who called upon the Indian agent. If it was at the request of Peter, he apparently lacked confidence

in his lawsuit or hoped to pressure Charles and Matilda into settling out of court. If it was at the request of Charles, he may have been trying to mediate the dispute initiated and driven by his brother and hoping to calm Peter down. The report of these meetings was not published until after Charles was murdered on August 11, 1906, but here is the report of the meetings held just days before the murder.

Chelan Leader, August 17, 1906

Capt. John McA. Webster, Indian agent on the Colville reservation, and Dr. E.H. Latham, government physician stationed at Nespelem, were here this week to inquire into the dispute over the ownership of the land on which Charley Wapato's family reside, for the purpose of making a report to the interior department at Washington. A hearing was given the parties concerned at Lakeside on Tuesday [August 8], which was continued over Wednesday [August 9] forenoon. The matter is now in the superior court and the department has no jurisdiction; it can only act as advisor and intermediary.

This brings us at last to the report of the murder. I will first give the report in full as it appeared in the Chelan Leader of August 17, 1906. Then I will comment on different aspects of the story and try to bring in some additional facts to help sort things out. I am reserving the reports in the two Wenatchee papers, which appeared on August 13 in the Wenatchee Daily World and on

August 16 in the weekly Republic for two reasons. They don't provide any report of the testimony given at the August 13 inquest held on Charles' death and they contain some egregious errors of fact. By providing no detailed account of the murder and by providing false information about issues supposedly surrounding and related to the murder, these articles probably played a significant role in shaping the opinions of potential jurors in the first degree murder trial of Louie Wapato which took place later. I'll discuss these issues in detail when I present these newspaper reports of Charles Wapato's murder.

Chelan Leader, Friday, August 17, 1906

CHARLEY WAPATO KILLED

Fatally Shot by His Nephew Louie Wapato

BAD WHISKEY; BAD BLOOD

A Family Quarrel Ends with Fatal Results

The expected has happened.

Charlie Wapato, one of the most industrious and best respected of the Chelan Indians, is dead; and his nephew, Louie must answer for his death.

Too much bad whiskey played a leading part in the enactment of the tragedy.

A family quarrel of long standing over the ownership of a certain piece of land was indirectly responsible for the mixup which ended fatally.

The tragedy occurred last Saturday evening between eight and nine o'clock on the public highway near the Indian allotments about eight miles west of Chelan. While Charley Wapato, the victim, was driving home in an empty hay rack, he was overtaken by his nephew, John B. Wapato, who rode up on horseback. The long-standing family quarrel was renewed and blows followed. While they were thus engaged, Peter Wapato, father to John B. and a half-brother to Charley, came up and took part in the fight. He knocked Charley down and pounded him into insensibility. At this time Joe Mishka, one of Charley's white neighbors, and John Abraham, another Indian, came up and interfered. John Abraham took charge of Charley and his team and started to drive them home. A mile farther on they were overtaken by Louie Wapato, a younger son of Peter's, who rode up and deliberately fired into the prostrate body of the injured Indian, with a 30-calibar rifle. The bullet entered the breast near the base of the neck and passed entirely through the chest, causing instant death.

These are the facts substantially as testified to at the inquest by Joe Mishka, who was an unwilling witness to a part of the tragic enactments and who alone of all the witnesses, except his own

wife, could give a lucid detailed account of the affair, and by John Abraham, who was the only witness to the shooting.

News of the crime did not reach Chelan until the next morning. Judge C. C. Campbell and Undertaker W. R. Higgins and several other gentlemen went out immediately to Charley's place and brought the remains to town for the purposes of an inquest. Deputy Sheriff O. A. Hoag also went out and placed Louie under arrest.

An inquest was held at 2 o'clock Monday afternoon, immediately after the arrival of County Attorney Crass from Wenatchee. A jury consisting of J. W. Chatfield, Jay D. Berrier, A. F. Cox, J. A. Larrabee, W. P. Ridenour and S. M. Campbell, was empaneled.

A number of witnesses were examined and the jury returned the following verdict.

State of Washington—County of Chelan

Before C. C. Campbell, deputy coroner,

In the matter of the inquisition upon the body of Charley Wapato, deceased.

We, the undersigned, the jurors summoned to appear before C. C. Campbell, deputy coroner of the county of Chelan, at Chelan, Washington, on the 13th day of August, 1906, to inquire into the cause of death of Charley Wapato, find that the said Charley

Wapato came to his death in Chelan county, state of Washington, on the 11th day of August, 1906, and that his death was caused by a gun shot wound, said shot having been fired by Louie Wapato.

Dated this 13th day of August, 1906

A.F. Cox, Foreman; S.M. Campbell; J.A. Larrabee; J.D. Berrier; J.W. Chatfield; W.P. Fidenour

Immediately following the report of the coroner's jury, Louie Wapato was arraigned before Justice C.C. Campell and formally charged with the crime of murder. Through his attorney, R.W. Starr, of Waterville, he waived preliminary hearing and was bound over to the superior court without bail. He was taken to Wenatchee Tuesday morning and committed to the county jail to await trial.

A tragedy of this kind among the Indians has been expected for some time. There has been much drunkenness among them of late, with its accompaniment of quarreling and fighting, and the only wonder is that a fatality had not occurred before this. It is a matter of much regret in the community, however, that, when the expected did happen, the parts of murderer and murdered should fall to the lot of those who have been considered among the most worth of the Indians.

All the Indians directly concerned in the affair, except Louie, were more or less intoxicated.

The trial, which will probably be had at the November term of the superior court, is likely to bring out many facts in connection with the tragedy which are not now known, and it is not unlikely that Louie will not be held alone responsible for the killing. The remains of the deceased showed that the beating administered before the shooting occurred had been merciless. The features were pounded almost out of semblance to a human countenance.

The remains were buried in the allotment burying ground Tuesday forenoon, a funeral service having been held at the mission church at 9 o'clock in the morning.

The family quarrel which culminated in the tragedy of last Saturday grew out of a dispute over the ownership of the piece of land on which Charley Wapato resided. The wives of Charley and Peter are sisters. They have also a brother who now lives in the Sound country. Years ago when their aged father died he divided his property among these three children. To the son he gave his horses, to Peter's wife all his cattle and to Charley's wife the piece of land in question. It seems that Peter's wife now wants and claims an interest in the land, which has grown valuable. Some time ago she began legal action to establish her

claim, and the hearing had been set for Monday, Aug. 13th. On account of the tragedy it was postponed until Tuesday.

Did Alcohol Play A Role?

Some historical context.

I want to add some quotes from the Chelan Leader starting about a year before the murder showing the general concern over drinking among Indians. Charles, Peter, John Baptiste and Louie Wapato were not involved in any of these stories, but the stories show the degree of concern shown by the Chelan Leader editor over the issue of Indians drinking alcohol and often engaging in violence while drunk. I think this background helps explain the reporting that tied Charles' beating and murder to "bad whiskey", even when there was no evidence of drinking by any of the parties involved.

Chelan Leader, July 28, 1905

Crooked-Mouth Bob, the siwash who lives at Chelan Landing, recently got into a drunken row with Louie Timito at Pateros, and the latter knifed him in 13 different places, coming very near making a "good" Indian of c.m.b. However, the very latest is to the effect that Bob is recovering and that the artist in "carved work" is in jail in Conconully.

This probably refers to Louie Timentwa, born about 1871, a well-known Indian leader in the Pateros area. It is worth

mentioning, however, that in the fall of 1908 Louie Timentwa came together with other Indian leaders including Chelan Chief Long Jim, Charley Swimptkin, and Alexander Smitkin in Omak to limit the use of alcohol among the Indians, apparently with some success. (See Black Robes, Page 240)

Chelan Leader, November 17, 1905

Cultus Louie Wapato, Sr. was found at the north end of Woodin avenue bridge Saturday night dead drunk, where he had probably fallen off his horse, and was incarcerated in the city bastile until he sobered, after which it is understood he was fined and turned loose.

This article refers to Louie Ustah, the husband of Mary Wapato, and owner of allotment MA-9 on the north shore. This is another instance of giving any north shore Indian the last name "Wapato." Louie died in 1909 of an alcohol binge while visiting other Indians in another part of the state, according to the report of his death. "Cultus" is a Chinook word for bad, thus Bad Louie.

On Saturday evening several Indians, among whom was Marcelle or "Mike" as he is familiarly known, got full of booze and started in to make trouble, particularly for ex-marshal Chatfield, for whom Mike "had it in" for a former occasion. From all accounts the sunburnt gentlemen got all they were looking for. There were no arrests.

Chelan Leader, February 9, 1906

There's going to be something doing in this neighborhood before many moons if the Siwashes keep on getting booze like they have been getting it for several days past. Look out for trouble.

Chelan Leader, April 27, 1906

House Burned

Dave Micelle, a well know if not much respected allotment Indian, together with his squaw and four papooses came to town Saturday and he and his sunburnt companion monkeyed pretty plenteously with the cup that cheers and also enebriates. Dave lit his pipe and went to sleep. The fire in the pipe did the rest, and when he finally awoke the house was in flames and he had barely time to save himself and the balance of his family. Not a blanket nor a stitch of clothing was saved, and the fire even destroyed his wagon, which stood close to the house. We tell the tale as 'twas told to us by a neighboring Indian woman. "Oh, Whiskey! Whiskey! You're the devil" whether for white or red man.

Chelan Leader, July 6, 1906

Siwashes On A Rampage

Too Much Bad Whiskey

One Attempts Murder and Another, Suicide—Same Thing Will Happen in Chelan Some Day.

The town of Alma, Okanogan County, had an experience with drunken Siwashes one day last week such as is likely to be reproduced in Chelan most any time if conditions continue as they have during the past few months.

We can see the editor's concern over drinking by Indians reflected in these stories. It is worth repeating that none of these stories involves Charles, Peter, John Baptiste or Louie Wapato.

This last story, in particular, seems to be the template for the Charley Wapato murder story which comes about two months later. "Bad whiskey; bad blood" screams the headline on August 17, 1906. Yet I have reviewed the Chelan Leader from August 1891 up to the time of the murder and there is no hint of drinking by Charles, Peter, John Baptiste or Louie Wapato. In fact, the only mention of alcohol in connection with the Wapato's is that Wapato John does not drink, and forbids his family members to drink. And only his son-in-law Louis Ustah is known to have broken this rule before the 1906 murder of Charles. In the years after the murder, and particularly after the 1910 land sales of Indian land and Wapato John's death in September 1911, Sylvester Wapato drank alcohol on at least one occasion. Still later, Peter's sons Louie and Ed both drank

as did John Baptiste's son Peter. The story argues that "too much bad whiskey played a leading part in the enactment of the tragedy." But there is no hint of any sources for this assertion. Obviously Charles didn't testify. It is understandable that Peter and John Baptiste, in order to mitigate their responsibility in Charles' death, may have testified that they had been drinking or were drunk. Oddly, however, the paper says "all the Indians directly concerned in the affair, except Louie, were more or less intoxicated." This seems to contradict the whole alcoholic theory of the crime. If Louie wasn't drinking and he shot Charley to death, then how does "too much bad whiskey" play "a leading part in the enactment of the tragedy," as the paper asserts? It seems presumptuous, if not irresponsible, to attribute drunkenness to Charles, who was wantonly attacked, beaten unconscious by two men and then shot to death by another. After Peter and John B. were chased off by John Abraham and Joe Mishka and his wife, they seem to have returned to their home where they talked things over with Louie. Then Louie took his 30-calibar rifle, mounted his horse, chased down John Abraham and Charlie and shot Charlie, who was lying unconscious in the back of his hay wagon. What are we to think except that Peter, Louie's father, either told Louie to go kill Charley or gave him fatherly permission to commit the murder. Perhaps Peter simply said that Charley must die. The odor of conspiracy hangs heavy over this crime. I don't believe

for a moment that either John B. or Louie would act in any way contrary to their father's wishes. Their later behavior over their entire lives bears this out. And it is significant that Peter, the father and presumably the most adult of the three, did nothing to stop his son John B. who was fighting Charley. Instead, Peter joined in the fight and took it to a whole new level, perhaps fatally injuring Charley in the process. And Peter didn't stop his murderous attack on Charley voluntarily. Peter and John B. were chased off by Joe Mishka, his wife and John Abraham, a large man who could easily intimidate the much smaller Peter. Based on the testimony reported, the editor seems justified in writing "it is not unlikely that Louie will not be held alone responsible for the killing." However, the prosecutor chose not to make this connection. Charley, for his part, had been peacefully on his way home after his usual Saturday trip to Chelan to sell a load of hay. It is not clear what Peter and John Baptiste were doing in Chelan, or whether they had even been in Chelan; they may have simply been waiting for Charlie to return home from his normal Saturday trip to Chelan, simply waiting to mount their attack upon him.

A Possible Scenario

Is it possible that the report that alcohol was involved in Charlie's beating and murder was correct? If so, it seems to mean that John B., Peter and Louie had all been drinking that

day or that evening. Alcohol could have given John B. the courage to stop Charlie while he was on his way home and start a fight with him. Alcohol could have given Peter the courage and the recklessness to join John B. in the fight, pushing Charlie to the ground and beating and stomping his head and face out of human recognition, as Dr. Wentworth testified at the inquest. This beating would have proceeded until Charlie was dead, apparently, if it had not been interrupted by Mr. and Mrs. Joe Mishka and by John Abraham. Interrupted before they could kill Charlie, Peter and John B. went home and apparently talked with Peter's son Louie—and perhaps continued drinking alcohol. Then Louie, with his courage boosted by alcohol, or simply under the paternal influence of his drunken, hateful father, may have set out to shoot Charlie and make sure he was dead, as his father wished.

This scenario might explain Peter and John B.'s incoherence at the inquest. It is unclear if Louie testified at the inquest, but if he did his testimony was also judged incoherent by editor Britt of the Chelan Leader. And this would suggest that, despite the denial in the newspaper, Louie had also been under the influence of alcohol Saturday evening.

The irrational, out-of-character behavior of Peter, John Baptiste and Louie that Saturday evening seems to require a unique explanation—something beyond Matilda's assessment of a

nominal $5 annual rental fee for Yacine's use of a small piece of her property for Yacine's orchard, something beyond the frivolous lawsuit filed in 1906 by Yacine and Peter to void Yacine's 1902 quit claim deed on Matilda's ranch, something beyond the Nespelum Indian Agent telling Peter that the agent had no jurisdiction over Matilda's homestead and could do nothing for Peter. Indeed, these "land disputes" could not be and were not resolved by murdering Charles. In fact, killing Charles led to Peter pledging 80 acres of his allotment to attorney Frank Reeves of Wenatchee to obtain his services in helping defend Louie on first degree murder charges. And Yacine lost access to her orchard on Matilda's property when, because of the murder, Matilda leased her ranch to C & O Nursery in November, 1906, and moved to the Colville reservation. Yacine and Peter stopped prosecuting their lawsuit over Matilda's ranch after the murder, giving up on that avenue of attack. Killing Charles produced no material gain for Peter, Yacine, John Baptiste or Louie. And the social consequences of the murder caused Peter, John Baptiste and Louie to isolate themselves further from both the white community and their own Indian community. As far as I can determine, Peter had only one white friend during his long lifetime. Ben Martin had met Peter when he was a young man in the late 1880s, and came to the north shore at Peter's urging. Peter helped Ben site and establish his homestead and

Ben, in turn, remained Peter's friend. I have found no record of what Ben thought about the murder of Charles. In the years following the murder, Peter and his entire family seem to have withdrawn into themselves. Many members of Peter's family, including Peter, John Baptiste, Louie, Lucy and Margaret took on the role of besieged Indians. What the children failed to recognize was that they lived inside a tin-pot tyranny ruled over by Peter, who began to see himself as a great Indian Chief. These children lived most of their lives as dependents upon the land allotment owned by their father and they were not able to establish independent lives. Louie had the education and opportunity to become a lawyer but he instead returned to his father's allotment for the rest of his life, organizing horse races and dances. In time, the public record shows that Louie turned to whiskey, perhaps to assuage his conscience and forget the opportunities he threw away in order to be a good Indian in his father's eyes.

Peter seems to have had limited interaction with the white community, in sharp contrast with his father and his oldest brother, Charles. Nor does Peter seem to have maintained his father's devotion to the Catholic church, at least after the murder of Charles along with the decline and death of his father. Peter showed no interest in maintaining the physical structure of his father's church, let along conducting the weekly services that his father kept up as long as he was able. After

most of the Wapato's and other homesteading Indians had moved away, selling most of their land to the development company, Peter left the Church building to neglect and ruin. Wapato John's Indian Cemetery likewise was left to weeds and crumbling from lack of care or interest. The Great Chief Peter took a sharp turn backward, trying to return to an Indian life he never knew and becoming a kind of cigar-store caricature of an American Indian.

I have just one more comment on the "bad whiskey" theory of the crime. As the years passed after this crime, Peter and John Baptiste are not known to have ever touched alcohol. Oddly enough, in later years Louie was charged with public drunkenness and with illegal possession of alcohol and taken to court. He expressed a taste for whiskey in an interview late in his life, and he is anecdotally known to have ended his long life as an alcoholic who drank daily under the watchful eye and facilitation of his sisters Lucy and Margaret, who bought his daily bottle of whiskey or drove Louie to a tavern and waited for him while he drank and then took him home again. There is no evidence that Charles ever drank alcohol at any time during his entire life.

I have concluded that the alcohol association with the murder is gratuitous, possibly deriving from Peter and John B. seeking to minimize their responsibility before the law by claiming that

they had been drinking or were drunk. And while they were at it they may have thrown the drunken charge at the dead Charley just for good measure. Why not smear the man they had just murdered; he couldn't defend himself. In any case, there is no evidence to sustain the notion that alcohol played any role in the beating of Charles Wapato. And no one ever claimed that alcohol played any role in Louie's shooting of Charles; indeed, all newspaper reports declare that Louie was cold sober when he shot his uncle.

We will see later that alcohol wasn't mentioned at any time in testimony given in court during Louie's trial for first degree murder, nor was alcohol cited in the jury's decision on the guilt or innocence of Louie.

Did A Quarrel Over Land Play A Role?

If there was a quarrel over land, it was all on one side. Peter was doing the quarreling. Charles and Matilda were on the receiving end, but neither Matilda nor Charles seems to have engaged in any quarrel with Peter or Hyacinth. Peter and Hyacinth, already sitting on a 540-acre land allotment, wanted to take some property away from Matilda and Charles, whether motivated by jealousy, greed or what is unclear.

Matilda had placed a nominal $5.00 per year rent on the small piece of her land that Hyacinth was using for a fruit orchard. Hyacinth, or perhaps Peter, didn't seem to like this. But if this

constitutes grounds for murder, every small business lease or rental arrangement might end in murder. Was Charles' life worth less than a $5.00 per year rent payment?

Then there is the question of Matilda's homestead. Matilda gave final proof on the homestead in 1897, without objection from anyone, and had it recorded at the land registry office in Waterville. Peter, in 1906, didn't like the fact that Hyacinth had signed a quit claim deed on the property before a notary public four years earlier in 1902. He had asked the superior court in Wenatchee to set the quit claim deed aside and award Hyacinth one-third of the old Doc Jim ranch as one of three heirs at the time of Doc Jim's death in 1893. It's pretty clear that Peter didn't think he had a snowball's chance in hell of winning this suit. If Peter had believed in his own lawsuit he would have looked forward to the court hearing scheduled to occur on Monday, August 13. Instead Peter and his boys attacked and murdered Charley on Saturday, August 11, before the Monday hearing date.

This hearing date of August 13 was set to hear arguments on the demurrer (motion to dismiss) in the suit filed by Yacine and Peter. Following Charles' murder this hearing was cancelled. Years later, in 1911, Matilda filed a new motion to dismiss the case, in which arguments by lawyers on each side were heard, and the judge immediately dismissed the case and ordered

Peter and Hyacinth to pay all court costs. Seen in this light, Peter's lack of confidence in his lawsuit was justified.

And, it has to be pointed out, that killing Charles had no effect on Matilda's claim to her homestead. If Matilda had been murdered, that would have required Charley to make his claim under Washington state inheritance law. But killing Charles was a pointless thing to do if Peter wanted a share of Matilda's homestead. In fact, it appears that Peter had to put up 80 acres of his MA-10 allotment as collateral in order to bring Wenatchee attorney Frank Reeves on board to help attorney R. W. Starr in defending his son Louie on a first degree murder charge. Later, the area Indian agent wrote to Peter challenging the legality of this arrangement, and the land never did pass to the attorney. From a land point of view the murder of Charles only led to a potential loss of some of Peter's own land; it gained Peter and Hyacinth nothing.

There is also a more general land question at issue, which is alluded to in the Chelan Leader report of the murder in the final paragraph. As the newspaper says the land has grown valuable. We have seen that irrigation and land development forces were closing in rapidly on the allotment lands on the north shore. Peter, it becomes clear later on, is firmly opposed to selling off one square inch of his allotment land. He therefore must feel terribly threatened by the events of recent

years, with the threat reaching a peak on March 8, 1906 when a new law ordered that Moses allottees be issued patents to their allotments, opening the way for the sale of all but 80 acres of each allotment. Peter wanted the old arrangement to remain in place and he continued to view his own allotment as his own private reservation, as did his son Louie. The irrigation and land development interests obviously coveted the allotment lands, especially Peter's, which held a key location. We have seen that development interests tried in 1905 to get a law passed allowing the Moses allotment Indians to sell all their land on their own without Interior Department counseling, representation or approval. That effort failed, but on March 8, 1906 a new law was signed by the President that allowed all but 80 acres of each allotment to be sold with Interior Department approval. Suddenly, in March of 1906 Peter was faced with a real threat to his hold on his land. He was determined, we learn later on, not to sell one bit of it. However, seven of the ten allottees on the north shore were willing to sell all but 80 acres of their allotments, based on the fact that they did negotiate and sell voluntarily later on in 1910, in coordination with the Interior Department. Wapato John (MA-8) and Madeline were both aging and we don't know for sure how they felt about this. But Wapato John followed Peter's lead after Charles had been killed as did Cecile (MA-13) and, they, like Peter, refused to negotiate or sell any of their

allotment property. Most of the Moses allotment Indians on the north shore had no use for all the land they held; they were cash poor and seemed happy to sell all but 80 acres of their land.

Similarly, Peter was land rich but cash poor. What to do? Well, this dilemma may help explain Peter's sudden interest in getting his hands on some of Charles and Matilda's ranch. Perhaps he envisioned getting title to one third of the Doc Jim ranch and selling it to the development interests for cash. That way he could be both land rich, keeping his allotment off the market, while cashing in on the rising land values all around him. When all his strategies appeared to be failing, Peter seems to have become enraged and intent upon murder and he used his two young sons to help him. In this scenario the crime seems one of emotion because there appears to be no material gain to be derived from it.

Peter may have perceived Charles as being friendly and cooperative with the development interests, the people Peter perceived as his enemies. In 1978 Louie and his sisters, Lucy and Margaret, sat for a lengthy interview in which they argue that Indian land belongs not to the individual but to the tribe. James Lindston of the Chelan Museum recorded interviews with some of Peter's children who said that Peter accused Charles of breaking "Indian law." The law Charles was accused

of breaking, perhaps, was in thinking that he and Matilda owned the Doc Jim ranch when Peter believed it was tribal land. However, this makes no sense on many levels. There was no tribe on the north shore. And Peter was certainly not the person to decide any issues about tribal or Indian homestead land, of which there were many besides the Matilda property. By this logic, Peter and his boys should have massacred every other allotment Indian, including his own father, Wapato John, and every homestead Indian on the north shore, of which there were many. This whole logic is absurd, which seems to show that the "breaking Indian law" theory of the crime is a disingenuous lie, just one more cover-up story Peter, John Baptiste and Louie manufactured to rationalize and justify the murder.

Another story spread by Peter and his sons was that "the Indians" decided that Charley must die for this violation of unspecified "Indian law." This is a classic propaganda technique. By leaving "the Indians" undefined it allows and encourages each hearer or reader to invent their own details. This is a despicable slander on all the other Indians living on the north shore because it implicates them in the murder of Charles Wapato. Did Wapato John vote to kill his own son because Peter charged him with breaking some unspecified "Indian law?" This is a pitiful argument. Further, the story goes that "the Indians" drew straws over who would kill Charles and

Louie drew the killing straw. This is obvious nonsense. There was no meeting of "the Indians." There was no drawing of straws among "the Indians". The only choosing of Louie to do the killing occurred when Peter ordered, encouraged or gave permission to Louie to kill Charles soon after the murderous beating that Peter and John Baptiste had administered to Charles. Louie's race to catch up to Charles and shoot him took place after Peter and John Baptiste were chased away from the scene of the beating by Joe Mishke and his wife, who came upon the scene as they were traveling home, as well as by Peter's brother-in-law Johnny Abraham, who lived nearby the scene.

A Theory of the Crime:

Assuming that everyone was sober, as the actual evidence and testimony suggests, John B. and Louie's actions can easily be understood as loyal sons acting according to their father's wishes. This places Peter's behavior and motives squarely in the spotlight. And this remains the central unanswered question. What motivated Peter? Why was Peter so angry and what did he hope to accomplish by attacking and killing his brother Charley?

At the time of the killing, Charley was 57 years old, Peter was 51, John Baptiste was 25, and Louie was 18. Louie never gave any reason for racing off from home on horseback carrying his

30-calibar rifle while trying to catch up to the unconscious uncle Charley and then shooting the helpless, immobile man. The Chelan Leader account of the inquest suggests that Peter, John B. and Louie gave incoherent and uninformative accounts of the events of Saturday evening, August 11, 1906. Louie did not testify at the inquest, did not testify at his murder trial, did not submit any motive through his attorney nor, so far as I have discovered, ever address this issue or anything about the beating and killing of Charles at any time during the rest of his long life.

I do have a hypothesis which I cannot prove. It goes like this. When Joe Mishka, his wife and Johnny Abraham observed Peter viciously beating and perhaps stomping the face of the helpless Charley lying on the ground, they intervened before the two men had time to immediately kill Charley and chased the two men off. The beating alone may have led to Charlie's death; this we don't know because of the later shooting. Peter and John rode to their home located not far away. They talked with Louie telling him of the severe beating they had given Charley. Someone among them suggested that Charley should be killed and Peter either ordered or approved Louie's decision to go and kill Charley right away. Louie then got his 30-caliber rifle, mounted his horse and rode swiftly to catch up with the unconscious uncle Charley, whom he promptly shot through the neck and chest, killing him.

Peter maintained a very strong hold over his sons, evidenced both before and after Charley's killing. His sons never ventured permanently from his side during Peter's life and they always expressed fealty to Peter's will. Peter owned his allotment land or what remained of it throughout his life until he died in 1949, never gifting or selling any part of it to his children as they grew into maturity. Peter kept his children dependent upon him alone. John B., in a brief letter to the Carlisle Industrial Indian School updating them on his life, talked of his hope to take a land allotment at the Colville reservation where he would raise fine racing horses. But John B. never managed to separate from his father and accomplish this dream. There seems no question that John B. would not and could not have acted on his own to attack his uncle Charlie. And Louie would not and could not have acted on his own to kill Charley. There is nothing in their previous or later history to indicate that kind of independent decision-making and action on their part during the lifetime of their father, Peter. John B. died in early 1949, six months or so before his father's death. Louie lived much longer but never showed any independence of thought or action.

Peter seems to have become enraged when his plans, whatever they were exactly, fell apart. Peter was thwarted by the Colville Indian Agent who, in a meeting at Lakeside, refused to get involved in Peter's land claim just a few days before the murder. Peter was worried by the weakness of Yacine's legal

claim to a piece of the Doc Jim ranch. Even so, I'm not convinced that the land issue is sufficient to explain Peter's murderous actions.

Peter also seems to have developed a sense of megalomania in which he saw himself as the successor to Wapato John in local authority among the north shore Indians. Wapato John was partially or completely blind by this time and heavily curtailed in his activities. Charley, as the oldest of Wapato John's sons, was the natural successor and thus stood in Peter's way. Another of Peter's older brothers, Sylvester, also stood in Peter's path to be the local leader as Wapato John declined, but Sylvester was a private person and not perceived as a threat by Peter. Sylvester kept a low profile and, as his daughter Marie said, "was a man of few words." He wasn't much of a public man. Charlie, on the other hand, was very much a public man whose name appeared regularly in glowing terms in the local newspaper, the Chelan Leader, ever since his arrival on the north shore in the middle of 1890. Charlie wrote to the paper as a spokesman for the north shore Indians expressing their support for the Falls View public school and endorsed the attendance there of all the local Indian children. Charles didn't want the Indian children sent to the Colville reservation for schooling as some were apparently suggesting. Certainly to the white community, Charlie looked like the successor to his aging father, Wapato John. This must have rankled Peter, who had

always stayed by his father's side over the years and never set out on his own, as both Wapato John and Charlie had done. There seems something of the tale of the prodigal son at work here. Charlie, having gone away to establish a life on his own, returned to the Wapato John community and naturally and easily assumed a leadership position among the north shore Indians. I think this state of affairs, along with the physical decline of Wapato John, led to Peter's animas toward Charlie. This, as well as Charlie's closeness with the white community and the land developers, and the growing pressures on the allotment Indians to sell most of their land to the developers, stirred Peter's jealousy, disgust and ultimately his murderous anger. Peter was not his father's son, as Charles was. Unlike Wapato John and Charlie, Peter never accommodated to the white culture. Wapato John took up land and a settled life, founded a Catholic mission and conducted weekly services, and traded regularly with the white community. Charles did the same. But Peter always regarded his land as a reservation, a separate nation, a bulwark against the white community. Peter never saw himself or conducted himself as a part of the pervasive white community. I think he regarded his older brother, Charley, as a traitor to Indian ways. If so, he should have regarded his father, Wapato John, in the same way. And perhaps he did. Peter's other siblings and the other north shore Indians probably fell somewhere in between Wapato

John and Charlie Wapato's outgoing and accomodating personalities and Peter's regressive personality. Peter's personality receded further, after Charlie's murder, into his own personal illusion of his lost Indian culture. And, unfortunately, his personality hobbled most of his children as well.

The Aftermath

Killing Charlie didn't win Peter any part of Doc Jim's ranch. It didn't elevate him to leader of the north shore Indians. It didn't stop the developers or their drive to buy up the allotment lands. It didn't prevent Peter's loss of most of his own allotment to the developers. It didn't elevate Peter in the eyes of the white community. It did nothing to enhance or extend the life of his wife, Yacine, who died of unknown causes in 1912, receiving no obituary or public notice of her death in the local newspaper. And it did nothing to help his own children, including those who conspired in the murder, John B. and Louie, to achieve something meaningful in the world that existed just off the edge of Peter's allotment. No one in the Peter Wapato family, so far as I can determine, benefited materially or spiritually from the murder of Charlie Wapato. Nor, as far as I can tell, could any of them have benefited. From the point of view of personal gain, the murder of Charlie Wapato seems completely irrational. My own view is that,

indeed, Peter was irrational and possibly a bit insane. John B. was a dutiful son. And Louie combined being a dutiful son with the belief that carrying out his father's will and killing Charlie would make him a man. For Louie, I think, this was his version of the Indian way to manhood. It is not very different from today's gangs which require a prospective member to kill another human as a test of manhood. I think Louie picked up his father's intense belief in being first and last always an Indian, even if neither Peter nor Louie had any clear idea what this meant since neither of them had lived an authentic Indian life. In their irrational, mixed-up minds they thought that killing Charlie was striking a blow for Indian independence, or at least for their own personal concept of Indian independence. The final answer to Charlie's murder probably is that Peter's irrational, if not insane, mind influenced Louie's confused and irrational mind, as well as John B.'s loyal son mentality.

After Charlie's murder in 1906 and Wapato John's natural death on September 7, 1911, Peter would claim the role of Chief of the Chelan's, even though he was of the Entiat tribe, and Peter would ride in parades or appear at Fourth of July celebrations on Wapato Point wearing the elaborate clothing, gloves and headdress of a great Indian chief. He won the illusion of being a great Indian chief but he lost his soul. It was a pitiful end.

Other Reports Of Charlie's Murder and The Trial of Louie Wapato

Report In The Wenatchee Daily World, August 13, 1906

INDIAN MURDERED BY NEPHEW

Charlie Wapato Shot and Instantly Killed Near Chelan Saturday Night—Trouble Over Land Deal

Charlie Wapato, a prominent Indian of Chelan was shot and killed by his nephew Saturday night at 7 o'clock about eleven miles from Chelan. The murder was the outcome of trouble over a land deal in which it was claimed that Charlie and his wife has cheated Peter and his wife. Peter Wapato, father of the boy that did the shooting is a graduate of the Carlysle Indian school and in a law suit filed last spring against Charlie and his wife Matilda, it was claimed that Matilda had defrauded Peter and his wife Yacine out of 160 acres of land, while Peter was away to school. This was done by securing Yacine's signature to a document which was represented to be a lease but which was really a deed.

Although the courts decided in favor of Peter and Yacine, the other Indians were by no means satisfied and there has been ill feeling between them for some time. Saturday evening Charlie and Peter met and a quarrel engaged in an altercation which both were badly beaten up. Peter's son seeing the fight came

to his father's rescue with a rifle and shot Charlie through the body, killing him instantly. Both Peter and the boy were arrested and are now in jail.

This was the first public report of the murder because the Wenatchee Daily World was the only daily paper in the area. The Wenatchee Daily World also had the largest reach of any newspaper in Chelan County. This means that potential jurors for any trial that might result from the murder received their first understanding of the events, the rationale for the murder and the culpability of the parties involved from this article. First impressions, as we know, are often the most powerful and long-lasting. For this reason, among others, we need to examine the statements in this article for accuracy and validity.

As I understand the article, it says that Peter Wapato was away attending Carlysle Indian school when Matilda tricked Yacine into signing a deed which was represented to be a lease on a 160-acre piece of property. The implication seems to be that the 160-acre property in question belonged to Peter and Yacine, and Yacine thought she was leasing the property to Charlie and Matilda. Peter returned from Carlysle Indian school and discovered this trickery. Peter and Yacine went to court to overturn this fraud and the court ruled in their favor, awarding them title to the 160 acres of land. Charlie and Matilda were angry with Peter and Yacine over this outcome. Charlie and

Peter met, argued and engaged in a fist fight in which both were badly beaten. Peter's son, Louie, observing the fight and the injuries to his father, came to his father's rescue. Apparently Charlie was getting the better of Peter in the fight, which led to this intervention. Peter's son shot Charlie with a rifle in order to stop the beating Charlie was giving Peter, killing Charlie instantly. Peter and his son were both arrested and are currently residing in jail.

A potential juror in any future trial of Peter and his son can be forgiven for perceiving Charlie and Matilda as unethical tricksters trying to defraud Peter and Yacine out of their 160-acre piece of land. And any reader would think that Charlie must have attacked Peter since Peter had no motive to attack Charlie. Furthermore, Peter's son, seeing his father being severely beaten by his uncle, seems justified in coming to his father's rescue in any way he could. It is a sad outcome that Charlie was killed by the shot from the nephew's rifle, but Charlie appears to have brought this result on himself.

Let us examine this article in some detail.

The two headlines and the first sentence of the story are approximately correct.

Every other word of this story is false.

Let's take a look at it line by line.

The murder was the outcome of trouble over a land deal in which it was claimed that Charlie and his wife has cheated Peter and his wife

To this day we don't know with certainty what led to Charlie's murder. The three men who participated in the murder—Peter, his sons John B. and Louie—never gave any account of their motives individually or as a group. They left no testimony, no interviews and no writings in which they addressed the events of the night of the murder and their roles and motives in it. We know from court records that Peter and Yacine were trying to obtain one-third of Matilda's 168.4-acre homestead on which she gave final proof, without objection, in 1897. There was no "land deal" between Charlie and his wife and Peter and his wife, unless this refers to the $5 per year lease of land that Matilda was offering to her sister, Yacine, for Yacine's small fruit orchard on Matilda's property.

Peter Wapato, father of the boy that did the shooting is a graduate of the Carlysle Indian school and in a law suit filed last spring against Charlie and his wife Matilda, it was claimed that Matilda had defrauded Peter and his wife Yacine out of 160 acres of land, while Peter was away to school.

Peter Wapato never attended, let alone graduated, from the Carlisle Indian Industrial School in Carlisle, Pennsylvania. Peter's oldest son, John Baptiste, was sent by his father to the

Carlisle school in November, 1899, for a five-year program of study. However, after about a year and a half John B. was expelled from Carlisle for behavior and sent home in July, 1901. He did not graduate from Carlisle, although it was often claimed that he did.

Peter and Yacine did file a lawsuit in the spring of 1906 against Charlie and Matilda seeking a one-third share of Matilda's homestead, not the whole property, but no court hearing had yet been held on the suit at the time of the murder. Contrary to the article, no decision had been made by the court. The court had not found in favor of Peter and Yacine. Indeed, before the murder occurred Charlie and Matilda had filed a motion to the court for dismissal of the lawsuit.

This was done by securing Yacine's signature to a document which was represented to be a lease but which was really a deed.

In 1902 Yacine voluntarily signed a quit claim deed on Matilda's homestead before a notary public who swore on a signed statement that Yacine knew what the document was that she was signing. The reason for the document was so that Matilda could avoid any future title problems over the property. Before Matilda made a homestead filing on the property it had been the homestead of Doc Jim, the father of both Matilda and Yacine. When Peter and Yacine filed their 1906 lawsuit seeking

one-third of the property, it was asserted that Yacine was one of three heirs to her father's estate, there being a brother named George Moses who was making no claim. That is why Yacine claimed only one-third of Matilda's homestead property.

Although the courts decided in favor of Peter and Yacine, the other Indians were by no means satisfied and there has been ill feeling between them for some time.

The court had heard no arguments over the lawsuit at the time of Charlie's murder. Matilda had filed a motion asking the court to dismiss the lawsuit and, according to the Chelan Leader article on August 17, 1906, a hearing on that motion was scheduled to take place on Monday, August 13. The murder occurred on Saturday, August 11. If anyone was dissatisfied and full of ill feeling on August 11, it was Peter.

Saturday evening Charlie and Peter met and a quarrel engaged in an altercation which both were badly beaten up.

According to the testimony given at the inquest into Charlie's death held on the afternoon of Monday, August 13, Charlie had taken a load of hay to Chelan to sell to his regular customers, something he did every Saturday. He was returning toward his home early in the evening and was nearly home when John Baptiste caught up with him, began an argument and then began a fight with Charlie. Peter then rode up on his horse, dismounted and joined his son in pummeling Charlie. Peter

knocked Charlie to the ground and gave Charlie a merciless beating. Charlie was unconscious when two men and one women stopped the beating. Peter and John left, apparently for their home. Charlie's unconscious and perhaps fatally beaten body was loaded in the bed of his hay wagon and John Abraham, Charlie's brother-in-law, began driving it toward Charlie's home. About a mile further along Peter's other son, Louie, raced up on horseback to the wagon, pointed his rifle at the prostrate and unconscious Charlie and shot him through the neck and chest. Dr. Wentworth, who examined Charlie's body the next day, testified that Charlie's countenance was no longer human from the beating by Peter and that Charlie died instantly from the rifle bullet. The inquest testimony gave no indication that Peter or John B. had received any blows from Charles.

Peter's son seeing the fight came to his father's rescue with a rifle and shot Charlie through the body, killing him instantly

The testimony given by witnesses at the inquest shows only Peter and John Baptiste present when they beat Charlie into unconsciousness. John Abraham never saw Louie that evening until he raced up on his horse and shot the prostrate, unconscious Charlie.

Both Peter and the boy were arrested and are now in jail.

When the authorities in Chelan heard about the shooting Sunday morning, a delegation including the Sheriff went to the north shore, took charge of Charlie's body, arrested Louie and returned to Chelan. Louie was held in jail until the inquest. Immediately after the inquest the Chelan County Prosecutor went into court in Chelan and charged Louie with murder. Louie was ordered held in custody for trial. Louie was held in jail in Chelan until the next day, Tuesday, August 14, when he was transported to Wenatchee to reside in the Chelan County jail. At no time was Peter arrested or held in jail.

As we can see, the story that appeared in the Wenatchee Daily World on Monday, August 13, was a tissue of lies. These lies had to come from somewhere. The only living people who could have supplied this misinformation are Peter, John B., Louie or their attorneys.

The Republic, August 16, 1906

CHAS. WAPATO SHOT BY HIS NEPHEW

WAS AN OLD FEUD

Murderer Is But Nineteen Years of Age—Incarcerated in County Jail.

Charlie Wapato, Peter Wapato and John Baptist Wapato, three well known Indians living near Chelan, were in Chelan Saturday and filled up with fire water. One their way home they engaged

in a dispute and as a result of their disagreement Charlie Wapato was shot and instantly killed by Louie Wapato, a son of Peter Wapato and a nephew of the dead man and is only 19 years of age.

The Wapato troubles are old. Charlie Wapato and Peter Wapato are brothers. Louie and John Bapitst are sons of Peter Wapato. The murder was the outcome of trouble over land. Peter and his wife Yacine own a valuable 160 [acre] tract. Charles and his wife, Matilda, during the absence of Peter, secured possession of the land be securing Yacine's signature to a document which was represented to be a lease, but which was really a deed. The matter was taken into the courts and the decision was in favor of Peter and Yacine. Hard feelings, however, existed between the two families, and Saturday night on the trip homeward from Chelan Peter Wapato and his son John Baptist brutally assaulted Charlie. He was rendered unconscious and thrown in the bottom of his wagon. An Indian friendly to Charlie jumped into the wagon and started to drive him home. Louie Wapato, who had been with the party in town, but who does not drink, rode home after his gun, a 30-30, and returning, shot at his uncle who was lying in the wagon. The first shot did not reach the man, but the second went through the body, killing him instantly.

Prosecuting Attorney Crass went to Chelan Sunday and conducted the inquest. Louie was arrested and brought to this city Tuesday by Deputy Sheriff Hong. He will he charged with murder in the first degree and will be brought to trial at the next term of court.

John Baptist, brother of the man who is charged with murder, is a graduate of the Carlyle Indian School, Pennsylvania, and is a bright fellow, but has the natural Indian taste for liquor.

Here we have some of the false elements of the Wenatchee Daily World story, some elements of the testimony given at the inquest, and some additional false elements seemingly drawn from Peter, his sons John B. and Louie, or their attorneys.

The story, first of all, has Louie's age wrong. Louie was 18 years old at the time of the murder.

This story fails to give the timeline and participants in the events of the night of the murder as recounted in testimony at the inquest. Instead, the first paragraph crowds all the disparate events into a single event with everything happening simultaneously, thus misrepresenting what happened.

The second paragraph correctly states that Charlie and Peter are brothers and John Baptiste and Louie are Peter's sons. Then it repeats the false story about Peter and Yacine owning a 160-acre property that Charles and Matilda tricked Yacine into

signing away to them. It repeats the false story that the courts sided with Peter and Yacine and returned the 160-acre property to them. It implies that Charlie and Matilda were angry over this outcome. Then it says that Peter and his son John Baptiste brutally assaulted Charlie on the evening of August 11 while he was returning home, as was stated in the inquest testimony. This attack on Charlie is hard to understand since, according to the story, Peter was the winner in the battle over the 160-acre property. The careful reader might be confused or might wonder if the facts of the case are different than reported. We are told that Charlie was beaten unconscious and then "thrown in the bottom of his wagon," presumably by Peter and John Baptiste. There is no hint in this story of Peter or John Baptiste being injured in any way as they brutally beat Charlie. So there goes the motive given in the Wenatchee Daily World story about Louie coming to the rescue of his father and shooting Charlie. An Indian friendly to Charlie, according to this story, got into Charlie's wagon and began driving it and the unconscious Charlie home. Peter's son, Louie, who seems to be present at the time the unconscious Charlie is being driven off for home, then races home on his horse, gets his 30 calibar rifle, races back to catch Charlie's wagon and then shoots Charlie, killing him instantly. Louie, the article states, does not drink, and therefore was cold sober. This article

attributes no motive for Louie's shooting of Charlie. Indeed, given this story, what motive could he have?

The third paragraph states that the county prosecutor went to Chelan on Sunday following the murder and conducted the inquest that day. That is not true. Prosecutor Crass traveled to Chelan on Monday, arriving in time to conduct the inquest at 2 p. m. that day. Immediately following the inquest jury's ruling that Louie Wapato was responsible for Charlie's death, Louie was taken before judge C. C. Campbell and arraigned for murder. Louie was then held in jail on Monday and taken to Wenatchee to the Chelan County jail on Tuesday to await trial.

The fourth paragraph states that John Baptiste, Louie's brother, is a graduate of Carlisle Indian Industrial School in Carlisle, Pennsylvania, which is not true. John B. attended this school for a year and a half before being expelled for behavior. And then, oddly, the article suggests that John Baptiste is a drunken Indian. I have found no evidence that John Baptiste ever drank alcohol in his life, before or after Charlie's murder. Perhaps this bit is included to mitigate John B.'s responsibility for the brutal beating that he and his father are reported to have given to Charlie.

In any case, this story continued the theme that Charlie and Matilda had obtained title to a 160-acre property owned by Peter and Yacine through the use of trickery and that the courts

rightly restored Peter and Yacine's title to their property. The impression was apt to remain in potential jurors' minds that Charlie reaped the whirlwind of his own greed and crooked dealing and perhaps deserved a good beating if not killing. Unfortunately for Charlie there was no one to set forth the true facts and defend Charlie and Matilda's honor in the Wenatchee press. The Chelan Leader, with its much smaller readership, gave a much truer picture of the facts but even it left a confusing picture of responsibilities and motivations. And the Chelan Leader in one sense seemed to write the murder off as due to a bunch of drunken Indians engaging in irrational behavior. Even jurors who only read the Chelan Leader account of the murder would have been nearly as confused as those drawn from the readership of the Wenatchee papers.

Big Bend Empire, August 16, 1906, Waterville, Douglas County

Word was received here Sunday that Louie Wapato had shot and killed his uncle, Charley Wapato, seven miles above Chelan Saturday night. It is supposed the trouble originated about some land. Both are Indians and Louis Wapato is a graduate of the Carlisle Indian school in Pennsylviania.

This report of Charley's murder is more restrained. There is no mention of alcohol. There is a vague reference to land trouble as possibly the motivation for the murder. And then there is the strange and false sentence about Louie Wapato being a

graduate of the Carlisle Indian school in Pennsylvania. One Wenatchee paper had reported that Peter Wapato was a graduate of the Carlisle Indian school and the other had reported that John Baptiste was a graduate of that school. None of these stories is true, but at least John B. did attend the Carlisle Indian school for one and half years before being expelled for behavior.

The Chelan Leader, October 12, 1906

Prosecuting Attorney Henry Crass, of Wenatchee, spend Thursday and Friday of last week on the lake and favored The Leader *with a pleasant call. His business here was connected with the drunken shooting scrape in which Charley Wapato lost his life and for which the latter's nephew, Louie Wapato, is in jail awaiting trial.*

This report seems odd since no one who testified at the inquest and no newspaper accounts of the tragedy ever reported that Louie Wapato had been drinking or was drunk when he shot his uncle, Charlie Wapato. This seems to be a report of what the white community would like to believe rather than an account of any known witness testimony. And it seems to have settled on the theme that the killing of Charlie Wapato was a drunken shooting scrape, to the exclusion of any fight over land or any personal animus on the part of Louie toward his uncle. And it

ignores completely the attack on Charlie and the brutal beating of Charlie by Peter and John B. before Louie shot Charlie, who had been beaten into unconsciousness.

The following unusual piece on John Baptiste Wapato appeared in the Chelan Leader.

The Chelan Leader, November 9, 1906

"SPORTIEST' INDIAN IN WEST

The Seattle Times space-filler in Wenatchee apparently "saw visions and dreamed dreams" when he wrote the following, which will be interesting reading to Lake Chelanites:

One of the most conspicuous characters in attendance at the Harvest Festival held in this city last week and one of the best known in the county, is John B. Wapato. Wapato has been called the "sportiest" Indian in the west and if a vast knowledge of horse racing, baseball and the less strenuous game of poker be accepted as indications of sporting blood the title has not been misplaced.

Wapato was born on the shore of Lake Chelan twenty-four years ago, his parents being the well-known Indians Mary and Chief Wapato of Central Washington fame. For the past few years he has devoted his entire time to horticulture and the raising of fast horses. Three of the best animals on the grounds last week were those bearing the Wapato colors. One Eye,

Little Buck and Alamandra. His apples and pears won two prizes at the Portland Exposition and are eagerly sought by commission men visiting the lake region.

The Wapato family is one of the most affluent in Chelan county, so in 1898 he was sent to the Carlisle Indian school which he attended two years, learning while there to speak fluent English and play baseball, football and cards. In these accomplishments, as in everything he undertakes, he ranks as a topnotcher. He is worth $15,000 and is still unmarried.

This is a strange story. It contains a few actual facts, a number of misstatements or lies and a lot of exaggerations. Just how it came to be written, by whom and with what source or sources, remains a mystery. The Chelan Leader editor seems to regard it with amusement, hinting that Lake Chelan readers will get a laugh out of it. It also comes just a few weeks before John B.'s brother Louie is to come to trial on first degree murder charges in the death of Charles Wapato.

There was, indeed, a Harvest Festival held on October 24-26, 1906 in Wenatchee.

John Baptiste Wapato was born, according to a biographical sketch published in 1904, on July 1, 1881. This would make him 25 years old at the time of this article, not 24, a minor difference. Perhaps not so minor, however, is that he was the

son of Peter and Hyacinth Wapato, not the son of a mythical "Mary and Chief Wapato" as the article declares.

John Baptiste was sent to Carlisle Indian Industrial School in Carlisle, Pennsylvania, in November, 1898, as stated in the article. He stayed there 1 ½ years, not 2 years, and he was expelled for behavior in July of 1900 and sent home. It seems doubtful that John Baptiste in 1906 was "worth $15,000," and it is certain he was not "still unmarried." The Chelan Leader announced that he married Theresa Jim on July 4, 1903.

What the purpose of this article was is unclear, but it includes the usual assortment of misstatements or lies. It is possible that Louie wrote the article and gave it to a reporter, particularly since John B., although fluent in English, was not one to push himself forward into the limelight. This article looks more like Louie's brand of humor and mischief than anything else. And Louie had time on his hands in jail in Wenatchee in which to compose this disinformation.

<u>The Trial Of Louie Wapato</u>

The <u>Republic</u>, Wenatchee, Washington, November 15, 1906 [Thursday]

Louis Wapato, the Indian who killed his uncle, Chas. Wapato, near Chelan several months ago, will be tried next week, commencing Monday. The jurymen are summoned for that

date. It is likely that there will be some difficulty in securing a trial jury as the case has attracted considerable attention. R. W. Starr, of Waterville, is the attorney for the young Indian. He is charged with murder in the first degree by Prosecuting Attorney Crass. Attorney Starr, it is said, wants the prosecuting attorney to withdraw the charge and allow the boy to plead guilty to manslaughter and thus avoid the expense of a trial. This he has refused to do, but is willing to substitute the charge of murder in the second degree, without a trial, and it is possible that the case may be compromised yet.

The Republic says the death of Charlie Wapato at the hands of his nephew Louie has attracted a lot of public attention. This only reinforces that presumption that potential jurors will have been influenced by the reporting in the two Wenatchee papers. The reports on the 160-acre land question in both papers were precisely the opposite of the truth, portraying Charles as the aggressor seeking to take Peter's land away from him. The truth is that Peter never owned the property; the property was a homestead registered in Waterville under the name of Matilda Wapato, Charles' wife. Peter was the aggressor, filing a lawsuit in Chelan County Superior Court seeking one-third of the property by claiming that his wife should have received that portion of the property in 1893 when Doc Jim died. Doc Jim was the father of both Matilda and Yacine. This claim comes 13 years after Doc Jim's death and only when local property values

are rising because of land developer interest in the north shore. It also comes nine years after Matilda made final proof on the property as her homestead in 1897, over which Peter and Yacine made no objections. And it comes four years after Yacine voluntarily signed a quit claim deed before a notary public who attached a signed and sworn statement that Yacine fully understood the document she had signed.

The trial of Louie Wapato was to commence on Monday, November 19, 1906.

The Republic, Wenatchee, Washington, November 22, 1906 [Thursday]

WAPATO MURDER CASE

Indian Is On Trial For The Killing Of His Uncle

The young Indian, Louis Wapato, is on trial this week for the killing of his uncle near Chelan some months ago. Much time was spent in securing a jury. After exhausting several venires the following jury was secured: C. W. McMullen, W. A. Grant, C. H. Graves, Grant Paton, S. F. McEldowney, E. France, G. L. Boyd, F. French, Chas. Farrow, J. K. Newkirk, L. Meeker, John Doty.

Frank Reeves and R. W. Starr are defending the prisoner and Prosecuting Attorney Crass is assisted by A. N. Corbin.

The jury was secured Wednesday and it is thought that the case will occupy the rest of the week.

The article notes that several venires or groups of potential jurors were exhausted before twelve jurors could be selected.

The need to gather additional persons to serve as jurors seems to reflect the intense public attention and interest that the trial received and only heightens my concern over the impressions of the case given to the public and potential jurors by the two Wenatchee newspapers.

Wenatchee Daily World, Thursday, November 22, 1906

TRIAL OF LOUIE WAPATO BEGINS

Young Indian Who is Charged With the Murder of His Uncle Now in Court—Much Trouble in Securing Jury

The work of empaneling a jury for the trial of Louis Wapato, charged with the murder of Charley Wapato, near Lake Chelan last August was finished last night and eight witnesses for the state have thus far been examined. Three days were required in selecting a jury and 108 men were summoned for jury service. The first panel consisted of 24 summons, second of 30, third of 24 and yesterday an open venire was issued whereby 30 more were summoned to put in appearance. During the progress of this work 48 of the 82 answering the summons were examined. Of these 25 were excused for cause.

Prosecuting Attorney Crass used but three of the six premptory challenges allowed the state, the defense using eight of their twelve.

The defendant, Louie Wapato, is charged with the murder of his uncle Charley Wapato, during the month of August, on Lake Chelan. He is only 18 years of age, has been a student of the high school at Chelan and is considered a young man of exemplatory habits. It appears that the shooting of his uncle occurred during an altercation between the two. For some months previous, according to report, Charlie Wapato had been in the habit of laying violent hands upon the mother of young Louie at frequent intervals and it was immediately after one of these that the tragedy occurred.

The taking of evidence for the state began this morning and is coming out in small bunches at large intervals owing to the attitude of the Indians and their reticence in telling what they know. The trouble began this morning when Mary Ann Abraham, a relative of the Wapato family, pretended not to understand the interpreter and persisted in her ignorance of his speech till the situation assumed proportions displeasing to the judge and jury though amusing to the crowd in the court room. The jury was at length retired to the sweat box and qualifications of the official interpreter, W. M. Nolan, as to his fitness for the position, were thoroughly ventilated. Doubts as

to his ability to make himself understood to the Indians were entertained and council for state and defense engaged in verbal jousting for a considerable length of time, sparring on points of which Mr. Nolan was the central factor. The objections of the defense were at length overruled and the grind again began. At time of going to press eight witnesses for the state have been examined as follows: O. H. Hoag, Mrs. Joe Mishka, Joe Mishka, Dr. H. W. Wentworth, John Walsh, Mrs. Mary Ann Abraham, Indians all of Chelan and R. P. Webb and Geo. I. Evans, of Wenatchee.

Following is the list of jurors in the case:

Grant Paton, Cashmere; E. L. Boyd, Chelan; F. French, Peshastin; S. F. McEldowney, Wenatchee; W. A. Grant, Wenatchee; Chas. Farrow, Cashmere; Wm. McMullen, Wenatchee; J. H. Newkirk, Monitor; Ellsworth France, Wenatchee; L. Meeker, Leavenworth; and John Doty of Wenatchee.

Let's examine this report from the trial.

The first two sentences are factual and accurate:

The defendant, Louie Wapato, is charged with the murder of his uncle Charley Wapato, during the month of August, on Lake Chelan. He is only 18 years of age, has been a student of the high school at Chelan and is considered a young man of exemplatory habits.

But the third and fourth sentences have no basis in fact.

It appears that the shooting of his uncle occurred during an altercation between the two. For some months previous, according to report, Charlie Wapato had been in the habit of laying violent hands upon the mother of young Louie at frequent intervals and it was immediately after one of these that the tragedy occurred.

No sources are given for these statements but they must have come from Peter, John Baptiste or Louie Wapato, Louie's attorneys or someone else speaking on their behalf. These statements are strikingly prejudicial against Charlie Wapato and lay out a nice scenario for jurors to absorb offering a wide avenue toward a not guilty verdict. The prosecution certainly did not present any such evidence at trial nor is there any indication that this "laying violent hands upon the mother of young Louie" was brought out in defense cross examination of prosecution witnesses. This is something communicated to a reporter outside the courtroom and outside of testimony. We will see that the defense team never made any such assertions in court, calling no witnesses except character witness for Louie, and in fact put on no defense of Louie Wapato's actions whatsoever. Nor did Louie Wapato testify at his trial.

This theory of the crime disconnects completely from the testimony given at the inquest into Charlie's death, testimony

which one assumes was repeated at Louie's trial. The trial documents do not include testimony given at trial so we can only assume that the inquest testimony of Mr. and Mrs. Joe Mishka and John Abraham was repeated accurately at the trial. Recall their testimony that John Baptiste and Peter Wapato attacked Charlie while he was returning home from selling hay in Chelan, together beat Charlie mercilessly into unconsciousness, and that a short time later Louie Wapato chased down the wagon driven by John Abraham and shot the unconscious and prostrate Charlie who was lying in the bed of his hay wagon.

Instead, according to this new theory of the crime, Charlie Wapato was a violent man who, for unstated reasons, "had been in the habit of laying violent hands upon the mother of young Louie at frequent intervals." Louie's mother, Hyacinth or Yacine, was Charlie's sister-in-law. There is no known reason, nor any reason given in this story, why Charlie would wish to lay violent hands on Yacine. However, having characterized Louie as "a young man of exemplatory habits," this nicely places Louie in a good light while characterizing Charlie as violent and irrational. Add to this that "it was immediately after one of these that the tragedy occurred." Now add to this the statement that "it appears that the shooting of his uncle occurred during an altercation between the two." This makes it sound like Louie was trying to protect his mother who had just

had Charlie lay violent hands upon her. According to this account, Charlie and Louie "had an altercation" during which the shooting occurred. The vagueness of the account leaves open the possibility that the violent Charlie may have threatened Louie or may even have fired the first shot at Louie, who then returned fire killing Charlie. This opens the possibility that there was no murder; Louie was just protecting himself. This was a case of self-defense. Perhaps, given this scenario, Louie shouldn't be on trial at all!

I think we have to believe that these characterizations of Charlie and his murderer and the associated theory of the crime found their way into the minds of the jurors sitting in judgment of Louie Wapato. Indeed, as we will see, five of the twelve jurors initially voted to acquit Louie, apparently believing that he did nothing wrong in shooting his uncle. The other seven jurors initially voted for a manslaughter conviction, apparently believing that Louie did commit the crime but may have had provocation and justification for his action. The trial testimony of Mr. and Mrs. Joe Mishka and John Abraham, assuming it matched their inquest testimony, seems to have been discounted. It appears that the outcome of the trial depended on the "testimony" given in the Wenatchee newspapers more than the testimony given in the courtroom. The one-sided and false stories in the newspapers were able to stand unchallenged because no one who read the stories came

forward to correct them. The Indians who knew Charlie for the most part did not read English well and probably did not read the newspapers or even know what they were saying. The editor of the Chelan Leader surely read the Wenatchee papers but for some reason didn't come forward to challenge the stories; perhaps he believed that the testimony at the trial would determine the outcome, not anonymous, obviously one-sided stories aimed at denigrating Charlie and portraying Louie in a good light. Indeed, to the editor, the inquest testimony made the whole affair obvious. He was later mystified when the jury verdict was announced. Perhaps in this case the prosecutor underestimated the power of the press to shape the opinions of jury members in this murder trial. As we have seen from the contradictory and one-sided stories in the Wenatchee newspapers, the jurors must have been very confused about the facts and motivations in this case. The only consistent theme in the Wenatchee newspapers was that Charlie and his wife Matilda are bad people who tried to steal property from Peter and Yacine and Charlie was a violent man used to "laying violent hands" upon Yacine whenever he chose. Young Louie, a highly regarded student and a young man of exemplary behavior, just finally snapped when Charlie laid violent hands once too often on his mother. Who could blame the young man for protecting his mother from such a rapacious beast as Charlie? It was sad that Charlie died but perhaps it was divine

justice. There is no need for the boy, Louie, to suffer for this lamentable outcome.

Let's pick up some more threads.

We have seen that on the Thursday morning County Prosecutor Crass called Mary Ann Abraham to testify for the State and immediately encountered problems.

The taking of evidence for the state began this morning and is coming out in small bunches at large intervals owing to the attitude of the Indians and their reticence in telling what they know. The trouble began this morning when Mary Ann Abraham, a relative of the Wapato family, pretended not to understand the interpreter and persisted in her ignorance of his speech till the situation assumed proportions displeasing to the judge and jury though amusing to the crowd in the court room.

Mary Ann Abraham is the former Mary Ann Wapato and the younger daughter of Wapato John, having been born in the latter part of 1870. She married John Abraham, who was the only witness to Louie's shooting of Charles Wapato. So Mary Ann was a brother to Charles and Peter and an aunt to Louie and John Bapitste Wapato. Prosecutor Crass made the decision to call Mary Ann as a State witness on Tuesday, November 20, 1906, the second day of the trial. He filed the following affidavit with the court on that day.

I, Henry Crass, after being first duly sworn according to law, depose and say; that I am the duly elected, qualified and acting Prosecuting Attorney in and for Chelan County, State of Washington; that Mary Ann Abraham is a necessary and important witness on the part of the State in the trial of the State of Washington vs. Louie Wapato; that I was not familiar with, neither did I know that she would be an important witness for the State until on or about the hour of ten o'clock A. M. on the 20 day of November, 1906

Since Mary Ann seems to have refused to testify by pretending not to understand the interpreter at the trial, since no record of the trial testimony exists, since Prosecutor Crass in his affidavit gave no indication what her testimony would be, and since Mary Ann subsequently left no interview or record of what she knew that was so important to the Prosecutor, we don't know what prompted the Prosecutor to suddenly call Mary Ann as a State witness on the second day of the trial. Did she witness the beating of Charles by Peter and John Baptiste? Did she witness the shooting of Charles by Louie? Did Louie confess to her that he had shot Charles? Did Louie tell his aunt that he, his brother John and his father conspired to kill Charles? Did Peter, John B. or Louie explain to Mary Ann their motivation for attacking and killing Charles? We may never know. In any case, it appears that nothing came from her mouth at the trial to clarify any of this. The later history of Mary Ann doesn't seem

to indicate any closeness between Mary Ann and her brother Peter or any of his family members, even after she moved back to the north shore from the Colville reservation after her husband's death on October 21, 1933. Mary Ann did not attend the hearing held in Chelan to determine her father's heirs after Wapato John died on September 7, 1911. She was the only one of Wapato John's children who did not attend. Again, we don't know if this indicates anything about her lingering feelings about the murder of her brother Charles and the culpability of Peter and his sons.

The Chelan Leader, November 23, 1906

There is said to be some danger of an Indian outbreak at Wenatchee if Louis Wapato is convicted and there is talk of calling for troops. The town is said to be full of Indians.

No indication of any such concern or threat appears independently in the Wenatchee papers. This may have been another canard seeking to give the impression that the Indians generally supported Louie and desired his acquittal. There is actually no evidence at all on how the Indians felt about Louie's guilt in slaying his uncle. There is some evidence from the report of the trial that Mary Ann Abraham actively desired not to testify at the trial, but how other Indians felt about it remains an open question.

The Case Goes To The Jury

Wenatchee Daily World, Saturday, November 24, 1906

WAPATO CASE NOW IN HANDS OF JURY

Evidence in the case of the state versus Louie Wapato is all in and the case is now in the hands of the jury. The taking of testimony for the state was finished yesterday morning and that for the defendant was completed this morning. The evidence given by witnesses for the defendant shows him to have been a young man of exemplary habits and one held in high esteem by the people of the Lake Chelan country.

The following witnesses testified to his conduct and morality: Wm. Isenhart, J. D. Berrier, Ben Martin, Mrs. Tenas Peter, Mrs. Cecille, Barnett Stillwell, and Sylvester Wapato and Long Jim, the two latter, Indians.

The evidence all in, Prosecuting Attorney Crass opened the argument for the state this morning, being followed by R. W. Starr, of Waterville, attorney for the defense. He is in turn being followed this afternoon by his colleague, Frank Reeves, of this city. A. N. Corbin, for the state, will close the argument.

Friends of the Indian lad are looking for his acquittal, inasmuch as it was not positively proven that it was he who fired the first shot at the time of the fatal occurrence, or that it was a shot fired by him that was responsible for the death of his uncle Charley Wapato.

We see that the defense team put on only character witnesses and did not produce any evidence about the crime itself. Louie Wapato did not testify.

The argument of the defense attorney R. W. Starr apparently was to the effect that there was no positive proof that Louie fired the first shot or that any shot Louie did fire actually hit and killed Charley.

The gathering of physical evidence and the state of forensics in 1906 was such that tying Louie to the shooting depended solely on witness testimony. According to the testimony reported from the inquest into Charles' death, John Abraham was the only witness to the shooting. His inquest testimony, as reported, was clear and specific and left no room for quibbling. Unfortunately we don't know exactly how he testified at the trial. If his testimony was equally clear at the trial, it would have been clear that Charles was unconscious and prostrate in the bed of his hay wagon as John Abraham was driving the wagon toward Charles' home when Louie raced up on his horse and shot Charles at point blank range with his 30-calibar rifle before riding away toward home. Perhaps John Abraham's testimony at the trial was less clear than at the inquest, perhaps he was reluctant to testify in a white court, perhaps he didn't want to be the person sending his wife's nephew to the hangman, and perhaps he felt pressure from his fellow Indians

and relatives not to cooperate with the white man's justice system. Again, it seems that we will never know for sure. Or it may be that the jurors discounted the testimony of this Indian, facilitated by the defense team of attorneys throwing doubt upon John Abraham's vision, memory or veracity. The situation of an all-white jury, a white judge, a white prosecutor, and white attorneys for the defense contesting the guilt or innocence of one Indian killing another Indian was one fraught with possibilities for mischief from all directions.

The question of whether Louie fired the first shot is particularly troubling, given the testimony at the inquest. It disregards the testimony of Mr. and Mrs. Joe Mishka and John Abraham that Charles had been beaten unconscious by Peter and John Baptiste and that John Abraham was driving the beaten and unconscious Charles home when Louie rode up and shot Charles. Unfortunately, here again we don't know if this information got into the trial testimony since there is no record and no newspaper report tells us. Logically, if Louie didn't fire the first shot, then only John Abraham could have done so, and that makes no sense. This idea that Louie may not have fired the first shot seems to mesh well with the fairy tale told in the Wenatchee Daily World on Thursday, November 22, 1906, the fourth day of the trial and the first day of testimony by state witnesses. This is the story about Charles being in the habit of laying violent hands on Louie's mother and Louie protectively

confronting Charles immediately after one such occasion. Charles and Louie had an altercation, the newspaper tells us, during the course of which Charles was shot and killed. The article doesn't say that Louie shot Charles and it leaves open the possibility that Louie fired at Charlie in self-defense after being fired upon by Charles. There is no evidence that this story was presented in court. At the time that the newspaper printed this fairy story, the only testimony given in court was by state witnesses, who certainly wouldn't have made this argument. This suggests that the jurors absorbed the story from the newspaper account and conflated it with actual trial testimony, giving it equal or more weight than the actual testimony given in the trial.

The Republic, Thursday, November 29, 1906

GETS OFF EASY

Louis Wapato Found Guilty of Manslaughter.

Suspended Sentence

Jury Recommends Suspension of the Sentence on Account of the Boy's Youth.

Louis Wapato, who was on trial last week for the murder of his uncle, Charley Wapato, at Chelan, August 11, was practically acquitted by the jury.

The case had occupied most all of last week. Several days were consumed in securing a jury. The arguments were made Saturday and the case reached the jury about five o'clock Saturday evening and after about thirteen hours deliberation the following verdict was reached.

"We hereby find the defendant guilty of manslaughter and on account of his youth and circumstances of the case, we recommend that sentence be suspended."

The following jury tried the case: C. W. McMullen, W. A. Grant, C. H. Graves, Grant Paton, S. F. McEldowney, E. France, G. L. Boyd, F. French, Chas. Farrow, J. K. Newkirk, L. Meeker, John Doty.

It is said that the first ballot stood seven for manslaughter and five for acquittal. The verdict rendered is *considered a compromise.*

Judge Steiner on Tuesday evening had the seventeen year old boy brought before him and followed the recommendation of the jury. Sentence was suspended, pending good behavior. Judge Steiner has already shown himself at least not opposed to that prerogative, having suspended sentences on nine young men in this district already, seven in Okanogan county and two in Douglas.

Louis felt very happy on being allowed his freedom. He is a great fiddler and was accustomed to playing and dancing in the jail for hours at a time.

Attorneys Reeves and Starr, who conducted the defense of young Wapato, feel much elated over their success.

The jury's reference in their verdict to unstated "circumstances of the case" as influencing their request that the judge suspend Louie's sentence raises questions about just what was in the jury's collective mind. The circumstances of the case as delineated in the testimony given at Charlie's inquest cannot be what are referred to since those circumstances of the case would suggest that Peter, John Baptiste and Louie are all guilty of conspiracy to murder Charles Wapato. And since the defense offered no testimony addressing the murder but only personal tributes to Louie as a good lad, the only "circumstances of the case" that could possibly influence the jury toward leniency were the false stories that appeared in the Wenatchee Daily World and The Republic. Thus it appears that the verdict and the request for a suspended sentence was based not on any testimony given at trial but on false newspaper stories that vilified Charles and Matilda, turned the actual facts upside down and portrayed Peter, John B., and Louie as the heroes of the "circumstances of the case."

The Aftermath Of The Murder

In the same issue of The Republic, Thursday, November 29, 1906, appeared the following item:

From County Blotter

Many Minor Transactions Recorded at Court House for Past Week

Lease, Matilda Wapato to Columbia & Okanogan Nursery company, nw ¼ of sw ¼, lot 1, section 14, ne 1/ se ¼, lots 4, 5, section 15, twp 28, range 21, $400.

This is the Matilda Wapato homestead, on which Matilda gave final proof in 1897, and the former Doc Jim homestead. This is the 160-acre property, actually consisting of 168.4 acres, which the Wenatchee newspapers said belonged to Peter and Yacine Wapato. This is the land that Charles and Matilda supposedly tricked Yacine into signing over to them only to have the courts right this wrong and award the property back to Peter and Yacine as the rightful owners. That whole story was nonsense and lies. Peter and Yacine never had any ownership rights to the property, either before or after the murder of Charles. Four months before the murder of Charles, Peter and Yacine filed a suit trying to obtain one-third of Matilda's ranch by re-adjudicating Doc Jim's estate. Doc Jim was the father of both Matilda and Yacine. Doc Jim had died thirteen years earlier in 1893 and there had been no challenge to the distribution of his estate at that time by Peter, Yacine or anyone else. The court,

far from awarding the entire property to Peter and Yacine, had actually called a hearing to consider a petition by Charles and Matilda to dismiss the suit. Peter, John Baptiste and Louie murdered Charles just two days before the court was to hear arguments on the petition for dismissal. After Charles was murdered this hearing was postponed. The widowed Matilda, with her three young children—Paul, 11; Frank, 10; and Agnes, 8—chose to lease her ranch to C&O Nursery for $400 per year and move to the Colville reservation. The court did not take up this case again until Matilda filed another petition to dismiss the case in the spring of 1910. The court heard arguments by attorneys on both sides of the case on June 2, 1910, and the judge ruled immediately for dismissal. And this brought an end to Peter and Yacine's dream of grabbing one-third of the Doc Jim estate.

The Chelan Leader, Friday, November 30, 1906

GUILTY OF MANSLAUGHTER

The case of Louie Wapato, on trial during last week charged with the murder, on the 11th day of August last, of his uncle, Charlie Wapato, was brought to a close Sunday by the jury bringing in a verdict of manslaughter. The verdict was as follows:

"We hereby find the defendant guilty of manslaughter and on account of his youth and the circumstances of the case, we recommend that sentence be suspended."

The case, which was tried in the Superior court before Judge Steiner at Wenatchee, has caused widespread interest, on account of the youth and promise of the prisoner, who, although an Indian, is unusually bright, and was a member of the Chelan high school and altogether the most popular Indian in this section.

Many of those familiar with the circumstances of the tragedy believed that the evidence would in all likelihood convict him of murder in the first degree, but somehow when the testimony was given before the jury it was very weak and the defense made out a strong case.

At the time of this writing the judge had not made public his decision, but it *is thought that it will probably be in conformity to the recommendations of the jury, which means that Louie Wapato will be given his freedom during good behavior and a fight chance to make something of himself, instead of being forever damned by association for a term of years with hardened criminals. Should he choose to commit other lawless acts, he can be rearrested at any time and sentenced to Walla Walla to serve a term in the pen. His release under such circumstances it is thought will exert a beneficial influence upon*

the other Indians, because they will be made to know that if they get Louie into trouble it will be "all day" with him. Aside from that fact, the conviction for manslaughter hanging over his head for the next five years will not give encouragement to other hot bloods to follow his example. The boy is but 18 years old.

A message from Wenatchee Tuesday evening confirms that foregoing, and said the Judge's decision would be rendered Tuesday evening, and that it was expected he would give Louie a suspended sentence.

The Chelan Leader editor is clearly surprised by the jury's verdict. He had attended the inquest, heard the testimony given there and reported on it at the time. The facts of the case seemed sufficiently clear to him that there seemed little doubt about the ultimate verdict. However, as the editor expressed in his August 17, 1906, report on the murder, he anticipated that Peter and John Baptiste would also be in the dock at trial charged with the murder of Charles Wapato. The editor probably had read the stories published by the two Wenatchee newspapers. Neither he nor anyone else responded to the lies being told by the Peter Wapato family about Charles and Matilda, and those lies went unchallenged. These stories seem to have won the day both in the public mind and in the jury room. Editor Britt, although a newspaper man

himself, seems to have underestimated the power of the press to overwhelm the testimony given at the inquest and at the trial.

What If Peter, John Baptiste and Louie Had Been Charged With Conspiracy To Commit Murder?

If Peter and John Baptiste had been charged with the brutal attack on Charlie and the three men had been charged with conspiracy to commit murder, the jury and the public would have likely learned the truth about who attended Carlisle Indian Technical School, the true facts about the land issues involving Charles and Peter, and would have moved the focus of the trial to Peter, John Baptiste and Louie's motivations. It would have been more difficult to sustain the narrative of Charlie and Matilda as crooks who tried to trick Yacine out of her right to some part of the old Doc Jim ranch. A lot of information that has been lost might well have been brought out in such a trial and we would be in a much better position to understand the behavior of Peter, John Baptiste and Louie that Saturday evening. Whatever verdict was handed down by the jury, the public and history would have been served if such a trial had taken place.

What Was Lost

The public record shows that Charlie was, certainly to the larger white community, the principal representative and spokesman

for the north shore Indians from 1891 up to his killing in 1906. As Wapato John grew older and grew blind, he naturally withdrew from public life. Charlie, as the oldest son, stepped naturally into the leadership role. But not only was Charlie the oldest son. He had an independent and wide-ranging mind, like his father Wapato John, and had built an independent life just as Wapato John had done before him. Charlie had a homestead at Mission, now Cashmere, before moving to the north shore to manage the Doc Jim ranch for his aging father-in-law. Like Wapato John, Charlie was showing the way to accommodate to the ever-growing European society that had already overwhelmed the ancient Indian society and economy. Charlie encouraged his children, and all the local Indian children, to attend the public schools and pursue education as the way to achieve a better position in this new world. This leadership supporting accommodation, education and integration, first led by Wapato John and continued by Charles Wapato, seems to have infuriated Wapato John's third son, Peter Wapato.

Peter's Position

Peter seems to have considered himself first, last and forever an Indian. After the Columbia Reservation was terminated with Chief Moses' agreement in 1884, large land allotments were approved in 1886 for the north shore Indians including Peter.

When development interests began seeking to buy up the Indian allotments in the early 1900s, Peter was steadfast in opposition to giving up a single square inch of his personal allotment. Though no longer living on a reservation, something more akin to the original life of American Indians who traveled far and wide in their seasonal social and economic activities, Peter nevertheless imagined his allotment land as her personal reservation. As such, he seems to have felt that his allotment represented a barrier to the onrush of the European world. Peter didn't reject the public schools and colleges for his children, but he seems to have seen Western education as just another tool for fending off the alien society surrounding him. Peter wanted his children educated in Western schools, but he also wanted them to return to his personal reservation to help him survive and fight those who would take away his allotment land. How Peter's mindset transmuted into hatred for his brother Charlie and led Peter to murder Charlie with the help of his two oldest children remains a mystery. Neither Peter nor his sons ever gave testimony, interviews or left memoirs that would elucidate this question. Louie, charged with first degree murder, did not testify at his trial. He therefore did not explain his actions or give any rationale for the behavior of his father, his brother John or himself. They were all silent to the grave about the events of the evening of August 11, 1906. This seems to reflect guilt and an inability to explain their actions. Both of

Peter's sons, John Baptiste and Louie, were educated and very literate in the English language. Yet they left no written record to help us understand Charlie's murder. Unfortunately, the witnesses to the beating and murder of Charles Wapato seem not to have left any record of their observations or understanding of the events. One north shore Indian did seem to take Peter's side in the murder. Cecile Sushine Ameno, in the months following the murder in 1906, spoke to Don Mathers, a white north shore homesteader, who spoke to James Lindston at the Lake Chelan Museum in the 1960s, about sixty years after the events. Don Mathers related to James Lindston, who recorded his comments in notes and filed them, that Cecile felt that Peter was justified in killing Charlie, who she said had broken Indian law, and further felt that the white community had no business interfering in the affair after Charlie was killed. Apparently Cecile did not specify what "Indian law" Charles had broken. Presumably, Cecile felt that the murder occurred on Indian land and therefore was exempt from Western law. Perhaps this reflected Peter's view as well, since he considered the allotments to be reservation land and outside Western society and law. Charlie was passing across allotment lands on his way to his homestead at the far end of Charlie Wapato lake. Perhaps Peter and his boys waited to attack Charlie when he was on allotment land thinking this made them immune to Western law. Sylvester Wapato's last

wife, after Sylvester's death, made some similar remarks to James Lindston during an interview he conducted and recorded on notes. Mary was the daughter of Crooked-Mouth Bob of the Chelan tribe and her attitudes toward whites and white law may have been shaped by her father's adverse and angry attitudes toward white society. Peter's daughters Lucy and Margaret also interviewed with James Lindston in the 1960s and his notes presumably reflect stories that were told in the Peter Wapato household when they were girls growing up after the murder of their uncle Charles. Sometimes these sisters describe Charles as a white man and not an Indian at all and there are disparaging remarks about Charles, Matilda and their son Paul Wapato. These ugly verbal blows at a murdered man, his wife and family seem to reflect a sickness that permeated the Peter Wapato family. The sad part of this story, for the Peter Wapato family, is that not only Peter, John Baptiste and Louie were made to suffer the guilt and shame of the August 11, 1906 events. Peter's other children were not able to become what they had the potential to become because of this murder, with the possible exception of Peter's youngest daughter Agnes. All, except Agnes, suffered from fealty to their father; anger and alcoholism stunted and constrained their lives. Peter had been filled with jealousy, frustration and anger and he passed this on to most of his children.

<u>What Followed The Verdict</u>

After Charlie was murdered and, by confusion of the issues and the truth, Louie was effectively exonerated, there remained no leadership of the Wapato group of Indians on the north shore of Lake Chelan. Wapato John, the founder and respected leader, was at this time old and blind. Charles had been for many years the effective leader of this group. With his death there was no one to hold the Wapato's and the other north shore Indians together and they quickly went each in their own direction. Most north shore Indians, whether holding allotments or homesteads, willingly sold most or all of their land to the development company. Peter refused to sell but was finally forced to sell most of his allotment land by an act of Congress in 1912.

The Peter Wapato Family After the Trial

The local Indian agent wrote to Peter on July 25, 1908 asking him about a report that he offered 80 acres of his allotment to Frank Reeves to represent Louie at his murder trial. The Indian agent was not happy since any disposition of his allotment property would require the approval of the Interior Department. The arrangement, if it existed, was scuttled.

Peter, never a strongly outgoing man, seems to have shriveled and withdrawn into his immediate family following the murder and trial of his son. He was never actively involved with either the Indian or the white communities. He elevated himself,

after his father's death, by designating himself Chief Peter, he dressed up in the elaborate feathered headdress and Indian garb of a great Indian Chief, participated in the Wenatchee Apple Blossom parade as Chief Peter Wapato and had his photo taken in this dress posing as a visionary and far-seeing Indian Chief peering out into the distance. He also had a painting done of him in this dress and pose. There was a retrogressive aspect to his self-image and behavior that was completely opposite to that of his father, Wapato John, and to his oldest brother Charles. When interacting with white people be tended to play the fool, apparently seeking approval and affection. He never presented himself as a mature, intelligent and thoughtful man. I have found no evidence that he ever interacted with other Indians, except his immediate family members, after he murdered his brother. Relations with his older brother Sylvester and his sisters Mary Wapato Ustah and Mary Ann Abraham seem to have come to an end, if he ever had any to begin with. Peter died October 28, 1949.

John Baptiste continued to raise horses and do whatever was needed to maintain the goodwill of his father, on whom he remained completely dependent his whole life. John B. had a dream of leaving his father, striking out on his own, moving to the Colville reservation, taking an allotment and raising horses there. But for whatever reasons he never could bring himself to take that step. He did act as an interpreter and a scribe for

other Indians around the area when they had to interact with the U. S. or other governments in the English language. He married Theresa Jim of Mission (now Cashmere) three years before the murder of Charles and they had five children. But his wife died in the spring of 1919 at age 35. The first four of their children died young, one at 7 in 1912, one at 2 in 1910, one at 19 in 1930, and another at 1 in 1913. Only the last born child, Peter, outlived his father, who died in early 1949. Young Peter was valedictorian of his Manson high school class, got a college education in science at the University of Washington and worked in the white man's world, but then returned to the family fold to become one more person dependent of old Peter Wapato and his land allotment. Young Peter never married or had children of his own and he died tragically in 1955 of alcoholism and delirium tremens at the Chelan Community Hospital.

Louie Wapato, following his trial and suspended sentence, seemed to show promise of redeeming himself. He finished high school in Chelan, graduating in 1911 at age 23. He then attended the University of Washington for five years, graduating in 1916 in law at the age of 28. Then Louie's forward momentum seems to have ceased. He did not join the bar and did not become a lawyer, although he or others in later years liked to pretend that he was a lawyer. He consequently never practiced law. He sought no independent life or career.

He returned to Manson to the land allotment of his father, Peter, and remained there the rest of his long life. He is known to have had a taste for whiskey at least from the 1920s, if not earlier, and ended his life an alcoholic who drank every day. He resolutely avoided ever talking or writing anything even tangentially related to the events of the evening of August 11, 1906. Whatever he or his brother John B. or his father Peter thought they were doing that evening when they murdered Charles Wapato seems to have gone to the grave with Louie when he died November 3, 1983, at age 95. He had plenty of time to reflect on his life and his actions but, despite being fluent in English speech and writing, left no record of his thoughts.

Peter and Yacine's first child was Nancy, born in January 1880, who died in January 1896 at age 16. At the time of her death the local doctor, Dr. Haley, complained in the newspaper that he had been called in too late to save Nancy's life, blaming the superstition of the Peter Wapato family for the delay in obtaining competent medical treatment. Doctor Haley said he thought he could have saved Nancy if he had been called in earlier. No doctor likes to lose a patient and Dr. Haley was both angry and sad.

John Baptiste and Louie were the second and third of Peter and Yacine's children, respectively.

Edward Wapato, the fourth of Peter and Yacine's children, was born in 1895 and was 11 years old when Charles Wapato was murdered. He seems to have been a simple man, content to work for his father, Peter, on Peter's allotment for his whole life. He died from injuries sustained in an automobile accident while driving to Spokane with his brothers, John Baptiste and Louie, and his nephew, young Peter. Young Peter was driving the car at dusk on Sunday, September 8, 1948, when he struck a disabled truck parked beside the road. Edward died in a local hospital the following day, September 9, 1948. Louie and young Peter also sustained serious injuries in the crash. Subsequently, Louie filed a lawsuit against the man and woman who owned the disabled truck, charging them with negligence in not having flairs or some warning for approaching traffic. At the trial the couple being sued charged that young Peter was inebriated at the time of the accident and that Louie was negligent for allowing a drunk to be driving the car in which he was a passenger. The jury apparently believed the couple because they dismissed the suit and ordered Louie to pay all court costs. Edward left no written memories or records behind.

Lucy was born February 5, 1898, and was 8 years old at the time of Charles' murder. She later married a white man, William Evans, and they had two boys, William Evans, Jr. generally known as Bill Evans and Robert Evans generally

known as Bobby or Bob Evans. Lucy seems to have absorbed family stories about the murder of her uncle Charles and communicated them in bits and pieces, in a self-contradictory manner, to James Lindston during interviews he did for the Lake Chelan Museum during the 1960s and 1970s. The only common thread of her brief glimpses of stories inside the Peter Wapato family is a consistent hostility toward Charles and Matilda Wapato, even extending to their son Paul Wapato. One thing Lucy never does, however, is give any explanation for why her father and older brother beat Charlie nearly to death and why her brother Louie shot Charlie and killed him. It appears that even inside the family of Peter Wapato there was virtual silence about what really happened on August 11, 1906, and why it happened. Lucy left only bits and pieces of vitriol, ill feeling and lies about Charles and Matilda. But we can't really expect that the eight year old daughter of Peter and Yacine can help us solve the murder of Charles Wapato. Lucy's husband died of a heart attack in July 1941 at age 50 and Lucy died on May 10, 1986 at age 88.

The sixth child, Margaret, was born May 19, 1900, and was only six years old at the time of the murder. Margaret and Lucy seem to have been quite close. After Lucy's husband died of a heart attack in 1941 and Lucy's boys were grown, the two women lived together. Margaret never married. She picked up the same vitriol and ugly stories within the family that her sister

did and also repeated these bits and pieces of spite to James Lindston in interviews of which he left notes at the Lake Chelan Museum. Margaret adds nothing to our knowledge of the motives of Peter, John Baptiste and Louie. Margaret died on June 12, 1982, at the age of 82.

The seventh child of Peter and Yacine was Agnes, born April 16, 1908, nearly two years after Charlie's murder. She graduated from the Haskell Institute for Indians in Lawrence, Kansas. She then attended the University of Kansas, receiving a bachelor's degree in art. She, unlike everyone else in her family, did not return home to huddle around her father. She taught school for five years in New Mexico. Then she worked in an art shop in Santa Fe, New Mexico. However, during this period she became ill with tuberculosis. Margaret left Manson and went to live with Agnes in New Mexico to help her through this illness. But the illness won out and Agnes died on October 17, 1946. Her body was returned for burial in the Indian cemetery created by Wapato John next to the Catholic chapel he built on the north shore of Lake Chelan. Agnes was the only member of the Peter and Yacine family who carved out an independent life and career. She never married or had children. She lived life her own way and on her own terms. Sadly, her life was cut short by tuberculosis.

The eighth and last child was Earl Alexander, born September 10, 1910 and died March 24, 1913.

Yacine died on June 28, 1912. There was no notice of her death in the local newspaper at the time and no member of the Peter Wapato family has left any mention of her death or what caused it. Nor did any of the children leave any remembrance of their mother. At some point a gravestone was placed at her grave listing Hyacinth, her daughter Nancy who died at age 16, and her son Earl who died nearly a year after her own death. When Peter himself died in 1949, the long notices of his death and descriptions of his life made no mention of his wife, Yacine or Hyacinth. We are left to speculate what this means. The only family member who I have found even mentions his mother is Louie, who once commented to an interviewer that his mother had hand-woven a nice blanket for him when he was young and he wishes he still had it.